

ACKNOWLEDGEMENT

On April 21, 2021, a Facebook post was shared on the official Fall River Police Department Facebook page, by Captain Jay Huard. Later that day, the Facebook post was deleted, and a retraction statement was posted. According to Chief Jeffrey Cardoza of the Fall River Police Department, *"this incident garnered a significant amount of negative media attention as well as a demonstration outside FRPD (Fall River Police Department) headquarters."*¹

Chief Cardoza subsequently requested that Liberty Forensics, LLC., conduct an investigation into the circumstances surrounding this incident. Specifically, Chief Cardoza requested *"an independent investigation to examine the following:*

1. *By way of an interview with Captain Huard, determine why he shared the post and what his intent was.*
2. *Also by way of an interview with Captain Huard and his subordinates, determine if he holds any bias towards minorities."*²

Upon completion of the investigation Chief Cardoza requested *"a finding on whether or not Captain Huard violated any rules, regulations, policies or procedures of the Fall River Police Department. If there has been any violation, I seek a recommendation as to the appropriate discipline and or rehabilitation."*³

Liberty Forensics, LLC., acknowledges and maintains that all decisions regarding the imposition of discipline is borne solely by the Chief of Police of the Fall River Police Department.

It is also understood by all parties that all obligations for due process and compliance with civil service law, prior to the implementation of discipline, are borne by the City. Liberty Forensics' role was narrow in focus, limited to fact finding and responsive to the two components outlined to us by Chief Cardoza.

¹ Official written request for investigation from Chief Jeffrey Cardoza to Liberty Forensics, LLC. Dated April 27, 2021

² ibid

³ ibid

REPORT OF INVESTIGATION

1. On April 21, 2021 at approximately 12:10pm, Captain Jay Huard shared a Facebook post to the official Facebook page of the Fall River Police Department. The post stated, "*Chauvin immediately stood and calmly placed his hands behind his back. Imagine where we'd be had George done the same.*"⁴ The Facebook post was referencing former Minneapolis police officer, Derek Chauvin, upon being convicted for the murder of George Floyd.
2. As a result of this Facebook post, Chief Cardoza stated he received numerous complaints from members of the community. According to Chief Cardoza, "*this incident resulted in a significant amount of negative media attention as well as a demonstration outside the FRPD headquarters.*"⁵
3. Subsequently, Chief Cardoza contracted Liberty Forensics, LLC., to conduct an independent investigation regarding this Facebook post to determine if any rules, regulations, policies or procedures of the Fall River Police Department had been violated by Captain Huard. Chief Cardoza further requested that if violations were found to have occurred, that Liberty Forensics, LLC., make recommendations as to the appropriate discipline and/or rehabilitation.
4. Liberty Forensics, LLC., reviewed the following documents in reference to Chief Cardoza's request for investigation:
 - Policies and Procedures of the Fall River Police Department
 - Rules and Regulations of the Fall River Police Department
 - Fall River Police Superior Officer's Association Collective Bargaining Agreement
 - Fall River Police Department Employee Listing
 - Fall River Police Department training records for Jay Huard
 - Fall River Police Department assignment, promotion and transfer history for Jay Huard
 - Fall River Police Department employee evaluations for Jay Huard
 - List of superiors/subordinates of Jay Huard from 1/1/2018 to present

⁴ Copy of original Facebook post to the Official Fall River Police Department Facebook page on April 21, 2021

⁵ Official request for investigation from Chief Jeffrey Cardoza to Liberty Forensics, LLC dated April 27, 2021

- Copy of Fall River Police Department Facebook post in question
- Copy of retraction statement posted to Fall River Police Department Facebook page dated April 21
- Copy of notice of investigation from Chief Jeffrey Cardoza to Captain Jay Huard dated April 26, 2021
- Written request for independent investigation from Chief Jeffrey Cardoza to Liberty Forensics, LLC.
- Copy of report regarding Facebook post from Captain Jay Huard to Chief Jeffrey Cardoza, dated April 30, 2021
- Copies of all posts to the Fall River Police Department Facebook page posted/shared by Jay Huard
- Reports of previous social media violations, including discipline, for members of the Fall River Police Department
- Media coverage surrounding the April 21, 2021 post to the Fall River Police Department Facebook page

5. Liberty Forensics, LLC., conducted the following interviews of both current and former Fall River Police Department personnel in reference to Chief Cardoza's request for investigation:

- Chief Jeffrey Cardoza
- Captain Daniel Dube
- Officer Sarah Reis
- Lieutenant Antonio Elumba
- Civilian Christine Matton
- Detective Luis Vertentes
- Detective Moses Periera
- Retired Chief John Souza
- Retired Detective Andrew Konarski
- Retired Detective Thomas Burns
- Officer Felicia Melo
- Sergeant Dwaine Cabeceiras
- Detective Dino Carlozzi
- Lieutenant James Hoar
- Captain Jay Huard

6. On background, Jay Huard has been employed by the Fall River Police Department for approximately 25 years. As a sworn member of the Fall River Police Department, Huard is responsible for reading, acknowledging and complying with the policies, procedures, rules and regulations of the Fall River Police Department. A report verifying that Huard had read and acknowledged these policies, procedures, rules and regulations was submitted to Liberty Forensics, LLC., on April 28, 2021.⁶

7. Throughout his career, Huard has had no documented disciplinary history. This was confirmed by the Fall River Police Department Office of Professional Standards. Huard was promoted to the rank of Sergeant in 2011 and promoted to the rank of Lieutenant in 2015.⁷ Upon being transferred to the Major Crimes Division, on December 31, 2017, Huard was issued a department cell phone. On May 17, 2020, Huard was transferred from the Major Crimes Division to the Office of Professional Standards. Huard stated that his duties within the Office of Professional Standards included investigating internal matters regarding police officers, functioning as the Public Information Officer as well as operation of the department's social media pages (Facebook, Twitter). Huard retained his department issued cell phone upon his transfer to the Office of Professional Standards.

8. Huard was one of only two individuals who had administrative privileges for the official Facebook page of the Fall River Police Department. Lieutenant James Hoar was the only other individual with administrative privileges for the department's Facebook page. Lieutenant Hoar was responsible for granting access to Huard and downloading the appropriate software on Huard's cell phone. Lieutenant Hoar explained that in order to have access to the department Facebook page, one would need a personal Facebook account first. Huard acknowledged that he already had a personal Facebook account which Lieutenant Hoar used to link to the department Facebook page. According to both Lieutenant Hoar and Captain Huard, a limited and informal training session was given to Huard regarding posting information to the department Facebook page. Of note, both Lieutenant Hoar and Captain Huard acknowledged that during this

⁶ Report showing Jay Huard read and acknowledged Fall River Police Department policies, procedures, rules and regulations.

⁷ Record of promotions and transfers for Jay Huard

training, Lieutenant Hoar warned Huard not to confuse his personal Facebook page with the department Facebook page. Lieutenant Hoar stated, *"I pointed this out to Captain Huard when I trained him is that you have to pay attention of what role you are in because you can comment as the City of Fall River."*⁸

9. Lieutenant Hoar described the separate icons depicting the two Facebook pages on a cell phone as very small and easy to mistake. Lieutenant Hoar stated that he had been an administrator of the Fall River Police Department Facebook page for approximately five years, however, he (Hoar) had never inadvertently posted anything to the department Facebook page. Hoar did acknowledge that *"it's very easy to do, I can definitely tell you that."*⁹

10. Lieutenant Hoar then described the process of how a person could share a post from his/her personal Facebook page to a business Facebook page (in this case, the Fall River Police Department Facebook page) while on a cell phone. Hoar stated that while logged into the business Facebook account, you can "jump over" to your personal Facebook account. If you then wanted to share a post from your personal Facebook account, you would click the "share" button and then be prompted to write a comment regarding that post. If you choose not to write a comment, you would then click "post" on the top right corner of the cell phone screen. Lieutenant Hoar emphasized that close attention must be paid to the small icon at the top of the screen in order to verify which Facebook account that you are sharing the post to.

11. Examples of posts that Huard stated he was responsible for making to the department Facebook page, included serious weather alerts, warning residents of potential scams within the city of Fall River, as well as positive news stories and photos showing members of the department supporting the community. Captain Huard acknowledged that any posts made to the department Facebook page required Chief Cardoza's verbal approval, prior to posting.

12. On January 17, 2021, Huard was promoted to the rank of Captain by Chief Jeffrey Cardoza and placed in charge of the Office of Professional Standards.

⁸ Transcript of interview with Lieutenant James Hoar, Page 3

⁹ Ibid, Page 6

Captain Huard maintained his role as Public Information Officer as well as his role as administrator of the department Facebook page.

13. Captain Huard acknowledged that *"ninety-nine percent of the time"*¹⁰ he would make posts to the department Facebook page via his desktop computer. Captain Huard described the two separate icons on his desktop (one for the Fall River Police Department Facebook page and the other his personal Facebook page) as being large and easily distinguishable. While on his desktop, he was able to view both Facebook pages and *"toggle"*¹¹ back and forth between the two.

14. On April 21, 2021 at approximately 12:00pm, Captain Huard left the Fall River Police Department and traveled to a local restaurant for lunch. While waiting for his sandwich, he logged into the Fall River Police Department Facebook page from his department issued cell phone (Captain Huard acknowledged he did not own a personal cell phone at that time). Huard stated he, *"cleared all the alerts,"*¹² and then accessed his own personal Facebook page. While scrolling through his *"feed,"* he observed a post that read, *"Chauvin immediately stood and calmly placed his hands behind his back. Imagine where we'd be had George done the same."*¹³

15. Captain Huard stated that when he saw the post, *"it jumped out to me and the emotion kind of kicked in."*¹⁴ Huard continued, *"I want peace in the world. I want peace in this country. I've been a police officer for twenty-five years. The last two years have been very negative and I feel that we're under attack and it weighs heavy on me. Because I know in my twenty-five years, I poured every ounce of my soul into this job, sometimes putting this job ahead of my family."*¹⁵ Huard continued, *"I love this city. It's the city I grew up in."*¹⁶

16. After reading the post, Captain Huard clicked the *"share"* button, believing that he was sharing the post to his personal Facebook page. Afterwards, he picked up his sandwich and returned to the Fall River Police Department. Huard

¹⁰ Transcript of interview with Captain Jay Huard, Page 5

¹¹ Ibid, Page 5

¹² Ibid, Page 8

¹³ Copy of original Facebook post to the Official Fall River Police Department Facebook page on April 21, 2021

¹⁴ Transcript of interview with Captain Jay Huard, Page 7

¹⁵ Ibid, Page 7

¹⁶ Ibid, Page 7

believes he shared the post at approximately 12:10pm and arrived back at the department approximately ten minutes later.

17. As Captain Huard returned to his office, he was approached by Detective Dino Carlozzi in the hallway. Detective Carlozzi asked Captain Huard if he had posted something on the department Facebook page. Captain Huard responded that he had posted something to this personal Facebook page, not the department Facebook page. Detective Carlozzi informed Captain Huard that he (Huard) had indeed posted it to the department Facebook page.

18. According to Captain Huard, he immediately went to his office, deleted the post and contacted Chief Cardoza. Huard's immediate reaction was that he had "screwed up"¹⁷ by sharing the post to the department Facebook page. Huard stated, "as time's gone by, my opinion has changed drastically."¹⁸ Huard continued, "even had I just put it on my page, even had I upset one person, then it was wrong. It was insensitive and it was ignorant."¹⁹ Huard stated that he lacked empathy. He viewed the post only from his perspective as a police officer and did not see it from others' perspectives.

19. When Captain Huard originally read the post on his own Facebook page, he stated that he did not see it as involving race at all. When asked if he believed that any part of the post was racist, Huard stated, "absolutely not"²⁰. It was not until later that Huard realized, "I can certainly see how people perceive that race to be a factor in that."²¹

20. When asked what the impact of that post was on the department and the community, Huard stated, "Terrible. Obviously its negative. I feel terrible for every single man and woman that puts on a police department uniform for Fall River. Knowing that I caused them a little bit of strife in their shift, obviously the confidence that some of the community has in this department has taken a hit and I realize that."²²

¹⁷ Transcript of interview with Captain Jay Huard, Page 11

¹⁸ Ibid, Page 11

¹⁹ Ibid, Page 11

²⁰ Ibid, Page 12

²¹ Ibid, Page 12

²² Ibid, Page 12

CONCLUSION

Chief Jeffrey Cardoza, of the Fall River Police Department, requested that Liberty Forensics, LLC., conduct an inquiry/investigation to determine why Captain Huard shared the April 21, 2021 post to the Fall River Police Department Facebook page and what his intent was in doing so.

According to SOP-ADM.01.1 (Public Information and News/Media Relations) of the Fall River Police Department Policies and Procedures:

1. *The goal for the social media pages (Face Book and Twitter) is to keep citizens informed by posting emergency information, as well as information that would be published in any other media forum:*
 - a. *missing persons,*
 - b. *identifying suspects through photos or alerts.*
2. *The secondary mission is to promote the public image of the Fall River Police Department. Images, videos, or brief comments of officers in action, through community policing or their normal patrols, can also be added to the page.²³*

During his interview, Captain Jay Huard admitted to sharing the post to the department Facebook page, without the required authorization of Chief Cardoza. While at lunch on April 21, 2021, he utilized his department issued cell phone to view his personal Facebook page. He attempted to share a post to his personal Facebook page, but instead shared it to the department Facebook page. When asked if he believed the post to be racist, Huard replied, "*absolutely not.*"²⁴

In Captain Huard's report to Chief Cardoza, dated April 30, 2021, regarding the Facebook post, Huard wrote, "*that incident and its aftermath have made me frustrated and disheartened about violence in our country, and the way some have made all police officers out to be public enemies. I now understand the hurtful impact it had on members of the community, as well as the damage this post caused to the Department. For that, I am extremely sorry.*"²⁵

²³ Fall River Police Department Policies and Procedures, ADM.01.1

²⁴ Transcript of interview of Captain Jay Huard, Page 12

²⁵ Report from Captain Huard to Chief Cardoza regarding Facebook post, dated April 30, 2021

Captain Huard was asked how he interpreted the post when he first read it. Huard replied, *"peace would be I guess, in a perfect world if you will, the people that are involved in conflict with the police, if they simply followed directions and then the police take the appropriate action that we are trained to do, lives can be saved and harm can be reduced and not have this where the police are being villainized, because it tears at my inner fiber.."*²⁶

According to SOP-ADM.10.1 (Social Media Policy) of the Fall River Police Department Policies and Procedures, *"Employees shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the Fall River Police Department."*²⁷

Additionally, according to Section 8.01 of the Fall River Police Department Rules and Regulations, *"Conduct unbecoming an officer shall include conduct that brings the Department into disrepute or reflects discredit upon an officer as a member of this Department. All employees are prohibited from engaging in any conduct, on or off duty, that tends to bring the Department into disrepute or reflects discredit upon the employee as a member of this Department."*²⁸

During Captain Huard's interview, he acknowledged that his actions brought disrepute upon himself and moreover, upon the City of Fall River Police Department. The post garnered negative media attention, demonstrations in front of the Fall River Police Department and has damaged the relationship between the community and the police department.

During Chief Cardoza's interview, he relayed a conversation that he had with Captain Huard immediately after hearing of the Facebook post. Chief Cardoza stated to Captain Huard, *"Captain, why would you even do that on your personal account? And he (Captain Huard) stated, "Chief, I'm just so frustrated, everybody hates us."*²⁹ Chief Cardoza stated that during his conversation with Captain Huard, he (Chief Cardoza) then replied, *"All the work that we've done to build trust with the community, Jay you've really damaged that."*³⁰

²⁶ Transcript of interview with Captain Jay Huard, Page 7

²⁷ Fall River Police Department Policies and Procedures, ADM.10.1

²⁸ Fall River Police Department Rules and Regulations, Section 8.01

²⁹ Transcript of interview with Chief Jeffrey Cardoza, Page 7

³⁰ Ibid

Throughout his entire interview, Captain Huard was visibly upset, his voice shaking at times, with tears in his eyes. Captain Huard appeared genuinely remorseful and was adamant that sharing the post to the department Facebook page was completely accidental.

Liberty Forensics LLC., found no evidence to contradict Huard's assertion that the post was made to the Fall River Police Department Facebook page accidentally.

As the second component of the investigation, Chief Cardoza requested that Liberty Forensics, LLC., "by way of an interview with Captain Huard and his subordinates, make a determination as to whether Captain Huard appeared to hold any bias towards minorities."³¹ Subsequently, Liberty Forensics, LLC., requested a list of current and former, supervisors and subordinates, whom Huard had worked with over the last three years. A list of twenty-four individuals was submitted by the Fall River Police Department.³² Of these, eleven were chosen to be interviewed regarding Captain Huard's character, attitude, speech and actions towards members of protected classes. A demographically diverse interview list was chosen, which included both former and current employees, sworn and civilian personnel. Many stated that they had worked with Huard for more than twenty years.

Each of the interviewees stated that they had never observed Huard's actions or speech to be racist at any time, either on or off duty. Throughout the interviews Huard was described as a very fair, respectful person who treats people with dignity.

Liberty Forensics, LLC., reviewed all content authored or shared by Captain Huard to the Fall River Police Department Facebook page, since being appointed as an administrator on August 5, 2020. Seventy pages of posts were reviewed. There was no evidence of racist or inappropriate content observed.³³

SOP-ADM.08.01 (Performance Evaluations) of the Fall River Police Department Policy and Procedure Manual states, "all police officers shall be

³¹ Official written request for investigation from Chief Jeffrey Cardoza to Liberty Forensics, LLC. Dated April 27, 2021

³² List of current and former Fall River Police Department employees whom Captain Huard worked with

³³ Copies of all Facebook posts by Captain Huard to the Fall River Police Department Facebook page

evaluated by a supervisor on an annual basis, as designated by the Chief of Police."³⁴ Liberty Forensics reviewed the Fall River Police Department Sworn Personnel Evaluation Forms for Jay Huard from 2015-2021.³⁵ All ratings submitted for Huard were classified as either satisfactory or outstanding, for all rating categories.

Captain Huard has had no documented disciplinary history in his twenty-five year career with the Fall River Police Department. No citizen complaints have been lodged against Huard and there is no evidence of any formal or informal, verbal or written complaints against him. This information was provided verbally by Chief Cardoza and confirmed through the Fall River Police Department Office of Professional Standards.

Based solely on the above interviews as well as all of the information provided by the Fall River Police Department, Liberty Forensics did not find any evidence to indicate that Captain Jay Huard holds any bias towards minorities.

³⁴ Fall River Police Department Policies and Procedures, ADM.08.01

³⁵ Fall River Police Department Sworn Personnel Evaluation forms for Jay Huard

RECOMMENDATIONS

According to SOP-ADM.05.4 (Accountability and Discipline) of the Fall River Police Department Policies and Procedures, *"The disciplinary process will provide employees with every opportunity to correct deficient performance. They will be told regularly of any performance deficiencies and, when sanctions are applied, they will be commensurate with the seriousness of the offense and the employee's prior record. It is the policy of the Fall River Police Department to administer discipline in a fair, timely and consistent manner."*³⁶

The policy goes on to state, *"Punitive action may be administered at the discretion of the Chief of Police. Punitive action includes suspension, demotion or dismissal. Although not inclusive the following may be taken into account when initiating punitive action:*

- a. seriousness of the incident,*
- b. circumstances surrounding the incident,*
- c. employee's past disciplinary record,*
- d. employee's past performance record,*
- e. impact of the incident on the Department and*
- f. potential for similar disciplinary problems in the future.*³⁷

The Facebook post in question resulted in a significant amount of negative media attention³⁸, demonstrations in front of the Fall River Police Department as well as damage to the relationship between the community and the Fall River Police Department. This was attested to by both Chief Cardoza and Captain Huard. These factors speak directly to the seriousness of the incident as well as the negative impact of the incident on the department.

³⁶ Fall River Police Department Policies and Procedures, ADM.05.4

³⁷ Ibid

³⁸ Copies of news articles regarding the April 21, 2021 Facebook post to the Fall River Police Department Facebook page

Although Captain Huard maintains that the Facebook post was completely accidental, it violated both the department's Social Media Policy as well as section 8.01 of the Rules and Regulations of the department (Conduct Unbecoming an Officer). Captain Huard stated that ninety-nine percent of the time, he used his desktop computer to make posts to the department Facebook page. Huard also admittedly lacked training on the department social media platforms. Huard should have taken it upon himself to request additional training as well as to become more familiar with utilizing the department social media platforms from his cell phone.

Captain Huard admitted to attempting to share the Facebook post to his personal Facebook page. Huard was asked what his intent was in sharing that post. Huard stated, *"My intent was to basically show another side of wanting peace and perhaps if people just followed police, followed their direction, maybe a future harm can be eliminated or at least be reduced..."*³⁹

The Fall River Police Department Policies and Procedures, ADM.10.1 (Social Media Policy), makes no distinction between making/sharing posts to a personal Facebook page or to the department's official Facebook page. The two prior documented violations of the department's Social Media Policy were as a result of postings to personal Facebook pages. Due to the intense media attention and public scrutiny surrounding the murder of George Floyd, by former Minneapolis police officer Derek Chauvin, Captain Huard should have used better judgement in deciding whether or not to share the Facebook post at all. This post's positive contrast of the defendant's behavior upon conviction, to the victim's behavior was inappropriate. To portray the upheaval in society as the responsibility of the victim, as opposed to the convicted murderer invites victim blaming.

Captain Huard, as Unit Commander of the Office of Professional Standards as well as the department Public Information Officer, had a duty to maintain the highest level of discipline and conduct. As a supervisor in a leadership position, Huard also had an obligation to be an exemplary role model to both his subordinates as well as the community.

³⁹ Transcript of interview of Captain Jay Huard, Page 7

Mitigating factors to any contemplated discipline would include:

- a. lack of any prior disciplinary history
- b. absence of any verbal or written complaints
- c. exemplary past performance record
- d. two prior violations of the Fall River Police Department Social Media Policy by department personnel resulted in verbal counseling only

Therefore, it is the recommendation of Liberty Forensics, LLC., that Captain Jay Huard:

- a. be suspended without pay for a period of (30) days
- b. be permanently transferred from the Office of Professional Standards.
- c. be permanently removed from the position of Public Information Officer of the Fall River Police Department
- d. attend training which focuses on empathy and perspective-taking (the act of perceiving a situation or understanding a concept from an alternative point of view, such as that of another individual)

Respectfully submitted,

Daniel Bennett

Daniel Bennett

Kerry Gilpin

Kerry Gilpin

John Benzan

John Benzan

William Baker

William Baker