

Boston Police Department Police Reform Efforts For City Council Budget Hearing, 5/10/21

The Boston Police Department is committed to implementing police reform. The department has been working to implement the Mayor's Task Force on Police Reform recommendations, Massachusetts Police Reform legislative mandates, and other calls for reform from the community, advocates and elected officials.

The Massachusetts police reform bill and the task force recommendations overlap in several key areas, most notably civilian oversight, reporting of data, policy and training. The Peace Officer Standards and Training (POST) Commission that is being created at the state level will have some similar responsibilities as the newly created OPAT. The POST Commission will also be issuing standards for policy and training in areas that the task force has also made recommendations.

As you are aware, the POST Commission will also be overseeing a new certification/decertification process for all police officers in the commonwealth. Officers will get reviewed for certification every three years. There will be significant new mandatory reporting requirements for police departments. For example:

- All complaints filed with BPD submitted to POST within two business days
- All investigations into complaints completed within one year
- Complete disciplinary records for all officers
- Training records for all officers
- Complaint investigatory files
- Officer involved injuries
- Any other data they request to identify patterns of potential bias

Extensive information and data related to departments and individual officers will be made publicly available through POST. Officers who are decertified may not appeal to Civil Service under this law, and officers who are decertified lose their qualified immunity status for civil rights violations.

We have been working on policy changes and setting up new reporting systems to be able to comply with the MA legislation. This is going to be a significant undertaking for our Bureau of Professional Standards and Bureau of Professional Development.

The MA legislation has requirements for police response to planned mass gatherings that take effect on July 1. BPD will now be required to 1) communicate with organizing groups; 2) assign a de-escalation officer for each event; 3) document all de-escalation attempts; and 4) report to POST any crowd control instance where tear gas/ chemical weapon, rubber bullets, or deployment of a dog were used (including all de-escalation attempts). The BPD has been

adhering to the practice of communicating with organizers before an event for many years. Regarding the other mandates, BPD will not be waiting until July 1, the process for special events is being amended now to reflect new procedures.

Additional restrictions to No Knock Warrants per the MA legislation took effect on 12/31/20. BPD already had a strict process in place for these, and we have further restricted their use.

We have made progress in police reform efforts, however much of the state mandated requirements have yet to be issued – i.e. standardized use of force policies, approved curriculum for recruits, reporting process for complaints, etc. They are expected on July 1st, and we will be implementing them once they are issued.

Examples of progress we have made in policies related to police reform:

- The minimum retention period for body worn camera policy has been changed to 180 days as recommended by both the task force and state legislation. (See Rule 405)
- A new Transgender Policy was issued to establish guidelines for the appropriate treatment of transgender individuals who come into contact with the Boston Police Department. (See Rule 113B)
- Revised policy regarding prisoners to mandate officers report the odometer reading at the start and end of all prisoner transports. Previously this only applied to female prisoners. (See Rule 318)
- Revised policy regarding notification responsibilities and process related to alleged criminal and/or questionable behavior of on and off duty officers and civilians. (See Rule 102)

A draft Diversity Equity and Inclusion Policy; and a draft revised Bias Free Policing Policy (Rule 113A) are currently being vetted with the internal DEI committee and the Mayor's Equity Office.

Drafts of all Use of Force Rules (303, 303A-D, 304) are being internally vetted based on state legislation and task force recommendations. These will potentially need to be revised again once POST issues use of force standards. All of these rules were revised in June 2020 to address 8 Can't Wait concerns. These revisions emphasized the commitment to de-escalation and duty to intervene, as well as clarified verbal warnings and restrictions on neck restraints.

In terms of training, the BPD has expanded Fair and Impartial Policing curriculum for recruits from 2 to 8 hours. This change took place for the current recruit class graduating in June. This training expands training in unconscious bias and procedural justice. The BPD has also implemented ABLE – Active Bystandership in Law Enforcement, a national training effort to prepare officers to successfully intervene to prevent harm and create a culture that supports peer intervention. ABLE is a collaboration between Georgetown University Law Center, the

Sheppard Mullin Law Firm, and the New Orleans Police Department. This eight hour training curriculum has been taught to the current recruit class, and will be rolled out this year through in-service training to veteran officers to ensure that all officers receive this training. Annual refresher training will be included in in-service training going forward.

As part of the work of the Equity & Inclusion Cabinet, Chief Lori Nelson of the Mayor's Office of Resilience and Racial Equity is developing a racial equity training curriculum for all city employees in partnership with contracted vendor Health Resources in Action (HRIA). BPD representatives are working with them regarding implementation of this equity training for all BPD employees – sworn and civilian.

We have also convened an internal Diversity Equity and Inclusion Committee to look at recruitment, hiring and promotions, discipline, assignments and opportunities for career advancement, as well as overall culture of the organization. This DEI Committee is chaired by Deputy Superintendent Eddy Chrispin, who was a member of the Mayor's Task Force, and has since been promoted and assigned to the Bureau of Professional Standards. This committee starting meeting in the beginning of April and have created three subcommittees – Hiring and Recruitment, Discipline and Retention, and Diversity and Inclusion Culture at BPD.

The Task Force made several recommendations related to BPD's Body Worn Camera policy and program. These enhancements are being negotiated under collective bargaining with unions.

The Task Force made several recommendations related to open and accessible data. The BPD has been working on an accountability and transparency webpage with the Digital team, and various associated dashboards with DoIT. Demo dashboards have been completed for Firearms Discharges, FIOE Reports, Shootings, Shots Fired, Homicide Clearances, and Recovered Firearms. In addition we have worked with social service partners BEST and YouthConnect to create dashboards to display their work on the webpage as well. Other dashboards are in development – Complaints, Use of Force Reports, In-custody deaths, Employee Demographics, and Calls for Service. We anticipate the webpage being launched in May 2021. Dashboards will be added to the webpage, and datasets to Analyze Boston as they are finalized, with appropriate restrictions for privacy and confidentiality as required by law.

Please note, many of these dashboards required or will require the creation of new data collection systems. For example, we are working on automating use of force reports. Automation will greatly improve reporting capabilities for this data. Our long term goal is to put automated systems in place for all the dashboards to ensure timely data updates.

Note: The BPD has been voluntarily reporting firearm discharge data to the FBI's National Use-of-Force Data Collection system since summer of 2019, in compliance with their reporting requirements. The task force report erroneously stated that we did not report to this system.

In addition, the federal Arrest-Related Deaths and Deaths in Custody Reporting Program the task force report recommended we report to is no longer operational.

We have been rethinking the role of policing in general – seeking to shift some current responsibilities that do not require police response to other agencies for a civilian response, and to change the way we respond to other incidents.

- We are working with HHS Chief Martinez and other city representatives to develop a civilian response to non-emergency calls for service. The civilian response plan being developed will be presented to Mayor Janey for review.
- We have started a pilot program to shift towing responsibilities to the Department of Transportation.
- We have changed the BPD process for responding to Section 12 and Section 35 orders – streamlining through the Street Outreach Unit for case by case review and to ensure consistency (previously these orders got faxed to the districts to be served).

The Boston Police Department is undergoing significant reform as leadership works to implement the mandates of Massachusetts Police Reform legislation in conjunction with the recommendations of the Mayor’s Task Force on Police Reform, in addition to rethinking policing. Together, all of these reforms will increase accountability and transparency, and promote diversity, equity and inclusion throughout the department. The BPD is committed to these reforms and to proactive community engagement to strength relationships with the community that have been strained due to COVID; and to listening to the community regarding their priorities for police reform and the role of police.