



City of Boston, Massachusetts
Office of Police Accountability and Transparency
Stephanie Everett, Executive Director

Semi-annual Report December 31, 2021

The Honorable Michelle Wu
Mayor, City of Boston
One City Hall Square, Suite 500
Boston, MA 02201

Dear Mayor Wu,

The Office of Police Accountability and Transparency (OPAT) is pleased to present our semi-annual report for December 2021, in pursuit of our mission to enhance accountability and transparency in the Boston Police Department. Mandated by ordinance, this report will highlight findings of Field Interrogation and Observation (FIO) data and BPD statistics; a summary and results of reviews of BPD policies and procedures; and a summary and results of evaluations of alternatives to the civil service examination process.

Introduction

In April 2021, I was appointed as Executive Director of OPAT, an office that was created after members of the community and Boston Police Department, known as the ten member Boston Police Reform Taskforce, presented to then Mayor Martin J. Walsh with a set of recommendations to "... enhance enforceability, accountability, trust, transparency and should improve the relationship between the BPD and Boston community that it serves and protects" (Boston Police Reform Task Force: Recommendations to the Mayor, 2020, p.1). Along with the creation of OPAT, the Taskforce made a total of 28 recommendations including a 3-person OPAT Commission with subpoena powers, a 9-person Civilian Review Board that among other things recommends disciplines of officers and a 5-person Internal Affairs Panel with oversight powers over BPD's Internal Affairs department to achieve the above-stated purpose. The recommendations provide a framework that allows our city to work collaboratively as we move forward with creating policies that build trust and are anchored in accountability and transparency.

Using the Taskforce recommendations as a guiding post, we must acknowledge where our city is now in order to move forward. In addition, we are required to acknowledge that all parties must be in agreement that we must do this work together, no matter how uncomfortable some topics may be. Objectivity and purposeful impact is required for this work to be achieved and it

requires some historical content as to why the Office of Police Accountability and Transparency came to be and where it is headed. For some, the creation of OPAT was a direct result of a singular incident that occurred thousands of miles away and “such acts would never occur in Boston”. This sentiment echoed in our newspapers and our social media feeds just as much as the news articles that predated my appointment regarding the past incidents of Boston Police officers’ criminal behavior that while found “sustained”, still allowed them to remain on the force. All of these incidents did not happen in a day and will not be resolved in one day.

The concept of the Office of Police Accountability and Transparency is not new to the country or to the City of Boston. In 1992, the St. Clair Commission issued a report commissioned by Mayor Flynn due to the unrest in the City following the Boston Police Department’s response to Charles Stewart’s accusation that a black man killed his pregnant wife in addition to five (5) police involved shootings resulting in death in 1991. The St. Clair Commission recommended a version of a Civilian Review Board, calling it the Community Appeals Board, that included civilians and police officers to review Internal Affairs decisions. In 2005, the Commission Investigating the Death of Victoria Snelgrove, recommended a *Police-Civilian injury Board*, to review cases use of force cases (pg 43). In 2015, the Community Oversight Ombudsman Panel issued a report entitled *Civilian Review and Police Oversight in Boston* and recommended a department most resembling OPAT calling it the *Community Office of Police Accountability (COPA)*¹. COPA was envisioned to have an Executive Director who reported to the Mayor, department staff, a dedicated budget, and the ability to receive complaints and maintain a 7 person police review board. Besides the year, Mayors, and Police Commissioners, no real differences existed as the issues and recommendations consistently remained the same. In fact, these issues existed in 2020 and a major contributing factor for implementation could arguably be a pandemic that had a world at home, seated in front of a computer or mobile device and you could not look away. OPAT has been in the making for decades and there are some truths that are not debatable. We have been a city divided but if we move on facts supported by data obtained from completed Internal Affairs files, four (4) independent reports commissioned by three (3) Mayors with participation from four (4) Police Commissioners and sworn officers of the Boston Police Department, we can begin to move in the right direction toward healing. For us to get there it will not be achieved in a short period of time, but with constant, committed and purposeful effort to build trust, rebuild trust and it will require some to get comfortable being uncomfortable as we do the work, *together*.

It is our goal in subsequent reports to offer a more in-depth report that will include information unavailable at the publishing of this report such as findings related to disparate treatment, discipline or termination of Black, Indigenous, and People of Color (BIPOC) officers; a summary and results of reviews of grant selection and implementation; citizen complaint determinations, and the results of reviews of completed Internal Affairs investigations.

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https://www.boston.gov/sites/default/files/document-file-08-2016/co-op_recommendations_to_mayor_walsh_tcm3-53523.pdf

Working alongside the Administration and members of the community, the work to build out our boards and panels has begun and as of the date of this report, we have four out of five members on the Internal Affairs Oversight Panel (IAOP), three of nine members appointed to the Civilian Review Board (CRB) and we are actively interviewing the City Council nominations; and two of three members seated on the OPAT Commission. I look forward to your appointments to fill these positions in the New Year.

I have worked purposefully to build capacity in the department to best position OPAT to achieve its mission of oversight and accountability of the Boston Police Department. In this effort, I along with my staff have made the following progress in the last 7 months:

- Produced a report on Patrick Rose critiquing BPD policies and providing recommendations that would prevent this incident from reoccurring. These recommendations have begun to be adopted by BPD starting with the BPD's updated Domestic Violence Policy. BPD updated policy (November 2021) now places officers charged with domestic violence on administrative leave immediately and requires BPD to alert OPAT about arrests of officers charged with violating any crimes covered in MGL c. 265, Sections 13a to 29.
- Advocated for and received an additional \$350k in FY22 budget for the department that allowed for the creation of four (4) Administrative Intake positions requiring that employees only have a high school diploma or its equivalent.
- Secured Nubian Square OPAT office space through City RFP process
- Held IAOP and OPAT Commission meetings
- Hired OPAT Executive team and on track to fill 14 FTEs in FY22 and 2 summer interns (1 college and 1 high school)
- Launched website which includes online complaint form
- Held BPD trainings for both IAOP and CRB board members at the Boston Police Academy

OPAT has also found ourselves where others may have not intended us to be but we do belong such as in conversations about school police and calls for assistance from the police for those experiencing a mental health crisis and need evaluation.

Findings of Field Interrogation and Observation (FIO) data and BPD statistics

Through multiple conversations with the City of Boston's Analytics Department and BPD it has become evident that there are limitations to our data gathering as existing and incoming data needs to be digitized, simplified and made readily available on a more frequent basis. For instance, FIO data is currently only able to be released yearly by BPD, leaving any issues borne out by that data uncorrectable for a year at a time. The reality of existing FIO data collection also reveals that an individual can be stopped multiple times and assigned a different number each time as far as the blind data is concerned. Focusing solely on this type of collection is problematic and it would be helpful to see this become the same number in instances of repeated stops to see if this is a targeted stop and if so, why?

Additional data not yet publicly available includes Force Strength Reports on department demographics, officer firearm discharge incidents, 911 or officer-initiated calls for service, the YouthConnect report, and completed investigation records of public complaints. BPD has electronic systems but lacks sufficient training and personnel to complete the tasks of entering necessary data into the system that would allow for more frequent updates to OPAT and the public of this data.

Another issue with data sharing remains the need for BPD to redact certain documents that the City of Boston Analytics team is not certified to see. OPAT is currently in the process of getting CJIS (Criminal Justice Information Services) certified to be able to view this data unredacted. OPAT has begun to set up monthly meetings between our department, Equity and Inclusion, the Analytics team, and BPD. Monthly meetings will help create a conversation about improvement of data collection, investments in systems, the creation of data sources, data to be collected and possible enhanced sharing. With the forthcoming assistance of a Policy and Data Analyst we will be onboarding in 2022, we anticipate being able to produce some of these reports in a quicker fashion, including a potential quarterly community report on this data, while maintaining the integrity of this sensitive and confidential information.

OPAT will continue to work with the aforementioned City departments to build on the existing public-facing dashboards operating on daily or weekly refresh rates such as shots fired, shootings, and firearms recovery in the City of Boston.

Summary and results of reviews of BPD policies and procedures

On November 3rd, the BPD issued a revised policy on incidents of domestic violence regarding those involving department employees, Special Order 21-53, Rule 327A. Upon request by OPAT, this policy was amended to mandate that, "BPD personnel alleged to have been involved as a suspect in incidents of domestic violence that constitute a criminal violation of M.G.L. 209A shall be placed on administrative leave immediately while the investigation(s) are underway."

Additional policy changes include amendments to the BPD's Rule 327 – Protection of Abused Persons to include further investigation and reporting requirements for BPD employees who have been involved in domestic violence; and Special Order 21-54, amending Rule 334 - Search Warrant Application and Execution which provides additional guidance for no-knock and high-risk warrants and included two new documents: the BPD Warrant Service Checklist which details suspect factors, offense factors, weapon assessment, site assessment, warrant particulars prior to serving a warrant; and the BPD Search Warrant Operational Plan which details the type of warrant, type of premises, offender/suspect information, and any assisting units or outside agencies involved in the warrant.

Finally, discussions are ongoing regarding the BPD's current policies when responding to Section 12 emergency restraint and hospitalization of persons posing risk or harm due to mental health issues, as well as their role in Boston Public Schools (BPS) during both emergency and

non-emergency situations. On the former, OPAT has convened the Boston Emergency Services Team (BEST), The Massachusetts Peace Officer Standards and Training (POST) Commission, and the BPD to discuss the development of clear use of force guidance for officers when a clinician or doctor has signed a Section 12 and the individual subject to it refuses to cooperate with it. On the latter, OPAT is working with the POST Commission to clarify the role of designated School Resource Officers (SRO) and what those without SRO training are able to do within a Boston Public School setting.

While not all of these policies underwent the review process which includes OPAT, we are confident that through continued engagement and commitment between OPAT, the BPD, Equity and Inclusion, and the Mayor's office, this process will be successful and ultimately lead to better outcomes for all involved.

Summary and results of evaluations of alternatives to the civil service examination process

The Civil Service Examination is a state process and thus, the The Massachusetts Peace Officer Standards and Training (POST) Commission has asserted that they will provide a process if any City or Town opts out of the existing exam as its tool to measure qualifications. We will make this known in the response for the report. If a police department within any city or town in the Commonwealth decides to opt out of the existing Civil Service Exam, the POST Commission and the Municipal Police Training Committee (MPTC) will develop one on their behalf to adhere to.

Community engagement

As we continue to build out the department in both staff and program capacity, OPAT looks forward to more opportunities to engage the community on these important issues. In 2022, OPAT will be looking to hold Get To Know OPAT community meetings throughout Boston to provide an open dialogue on our work within the department and receive feedback from city residents. In addition to the current availability of Investigator positions and a Data and Policy Analyst role within OPAT, we welcome all city residents to apply for our Admin Intake roles that we view as our community seats. These openings are a great opportunity to play an active role in social justice within our city.

Conclusion

Thank you for your attention to our semi-annual report. Please feel free to reach out to me should you have any questions regarding any of its contents.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Everett'.

Stephanie L. Everett, Esq.
Executive Director, OPAT