

OPAT 1.00: COMMISSION REGULATIONS

RECEIVED

By City Clerk at 5:30 pm, Sep 21, 2023

Section:

- 1.01: Investigative Standard of Proof**
- 1.02: Duplication of Complaints**
- 1.03: Incomplete complaints**
- 1.04: Conflicts arising within Board participation**
- 1.05: Board Calendars**
- 1.06: Youth Advisory Council**

1.01: Investigative Standard of Proof

The standard of proof that requires the party with the burden of proof to demonstrate that an allegation or argument is far more likely to be true than false. This standard of proof is greater than the preponderance of the evidence standard commonly used to prove civil liability, but less than the beyond a reasonable doubt standard commonly used to prove criminal liability.

1.02: Duplication of Complaints

Complainants are able to file complaints with the Boston Police Department Internal Affairs Division (IAD), the Massachusetts Peace Officer Standards and Training (POST) Commission or OPAT. To avoid duplication of effort, the OPAT shall not run parallel investigations into civilian complaints of police misconduct. Upon discovery that a Complainant has a complaint pending with either BPD or the POST Commission, OPAT shall notify the Complainant that OPAT will cease intake or investigation into the matter.

1.03: Incomplete complaints

The OPAT Staff will consider a complaint *incomplete* if it is missing two or more of the following information:

- Boston Police Department (BPD) personnel first and last name
- Only contains physical descriptive information of BPD personnel and no other identifiable information i.e. badge number, precinct etc.
- Fails to include specific location information of incident(s)
- Description or summary of incident appears to be incomplete or missing necessary details/information.

Office of Police Accountability and Transparency (OPAT)

1.03: continued

OPAT staff shall take the following steps to collect information from an incomplete complaint:

- OPAT staff shall attempt to contact the complainant by phone, if a number was provided.
- OPAT shall send an email to the complainant, if an email was provided.
- OPAT staff shall send a postcard to the complainant, if an address was provided.

The Complainant will be given (seven) 7 business days to respond to each form of contact. On but not before the twenty-first (21st) day of no contact, OPAT Staff shall send a certified letter to the complainant stating OPAT has been unsuccessful in reaching the complainant by phone, or email. In order to continue with a formal investigation, the Complainant should contact OPAT during normal business hours. If OPAT does not hear from the Complainant within 7 days of receipt of the letter, OPAT staff shall assess the file to determine whether sufficient information exists to allow an investigation into the allegation of the officer to proceed. If OPAT staff deems the information not to be sufficient, a summary shall be written and presented to the Deputy Director for review. Should the Deputy Director agree with the summary, the file will be presented to the Executive Director for final review prior to presentment before the Civilian Review Board. If the case is closed for non-contact with a Complainant such case can be reopened by Complainant per regulation.

On the forty-fifth (45th) day without contact from the complainant, OPAT staff shall assess the file to determine whether sufficient information exists to allow an investigation into the complaint against the officer to proceed. If the OPAT Staff deems the information sufficient to investigate, the case will be presented to the CRB to initiate the investigation. If OPAT Staff deems the information not to be sufficient, a summary shall be written and presented to the Deputy Director for review. Should the Deputy Director agree with the summary, the file will be presented to the Executive Director for final review prior to presentment before the Civilian Review Board (CRB). If the case is closed for non-contact with Complainant, the case can be reopened by Complainant upon request.

1.04: Conflicts Arising Within Board Participation

Pursuant to Section 12-16.4(c), shall members of the Internal Affairs Oversight Panel (IAOP) or the CRB be unable to fulfill their roles due to a conflict of interest, said matter(s) shall

Office of Police Accountability and Transparency (OPAT)

1.04: continued

be referred to the OPAT Commission for review and recommendation. Said recommendations shall be reviewed and any recommendations shall be so ordered and in pursuant to the respective authority under the Ordinance.

Pursuant to Section 12-16.4(c), shall the members of the IAOP and/or the CRB fail to achieve quorum for consecutive three (3) meetings, to avoid further delay said matters shall be put before the OPAT Commission for review and recommendation by the OPAT Commission pursuant to the respective authority for which quorum could not be met. Said review and recommendation shall be ordered and in pursuant to the respective authority under the Ordinance.

1.05: Board Calendars

The OPAT Commission shall set the meeting calendar of the CRB, IAOP and the OPAT Commission each December for the next calendar year. The Chairs of the respective boards may vote to change meeting dates shall a conflict present that would prevent a quorum of members from being present.

1.06: Youth Advisory Council

Pursuant to the powers granted to the Executive Director in Section 12-6 (b) there shall be a Youth Advisory Council to advise the Executive Director and the members of the IAOP and the CRB on matters impacting youth and police relationships.

- I. Purpose, Scope of Work, and Benefit
 - A. Mission Statement: The Advisory Council aims to be a forum where youth from around Boston can talk and advocate for police reform. Our overall objective is to give youth a space to be heard where they can discuss issues in our communities. We strive to build positive connections to eliminate the disconnect between youth and the police.
 - B. The specific scope of work of the Advisory Council may include the following:
 1. Advisory members are not decision-makers, but instead, they provide advice and recommendations to the Executive Director of the Office of Police Accountability and Transparency (OPAT) on new tactics to solve police misconduct and aid in creating reform policies and explore new strategies by conducting robust, high-quality conversations.
 - C. Benefit as an Advisory Member:
 1. Work with peers: Experience valuable networking opportunities.

Office of Police Accountability and Transparency (OPAT)

1.06: continued

2. Engage in strategic dialogue and participate in robust discussions that will help shape the organization and assist the organization in capitalizing and responding to trends.
3. Sharpen leadership skills: Participate in committee work and sharpen leadership skills in a supportive environment.

II. Exclusions

A. Decision Making

1. Advisory members shall have no power to make decisions about the organization. They cannot outline rules for how the organization operates, give employees instructions or give directives to the Executive Director or management.

B. Spokesperson

1. Advisory members shall not speak on behalf of the organization. This includes talking to the press or discussing confidential business matters with employees, clients, or vendors.

III. Membership

- A. Composition: Open to all young Bostonians between the ages of 14 to 19 of all ethnicities, races, sexuality, religion, and social standing.
- B. Number of Members: There shall be at most 12 members per calendar year. Members will be selected on a first-come, first-served basis using the application to make the selection. These members will have voting power and receive a stipend for attendance per meeting. Any youth that is a city employee while a YAC member will not receive a stipend while on the council. Other youth not selected as voting members will also be considered associate members. These members will not have voting powers or receive a stipend. They are allowed to attend bi-monthly meetings and contribute to the conversation during the meetings. The number of associate members is capped at 5 per calendar year.
- C. Associate members shall fill vacancies on the Council before new applicants are considered.
- D. Term - Chair and Vice Chair 1 term is one year and up to 2 terms. Members can serve until they reach the age of 19. Members who join at 19 can serve for one (1) full term regardless of when they turn 20.
- E. The membership application period is from August to October of each calendar year.
- F. Member terms shall run from November of one calendar year to December of the following calendar year.
- G. Elections for Chair and Vice Chair shall take place in January.

IV. Meeting Expectations

- A. Meetings will be held every other month

Office of Police Accountability and Transparency (OPAT)

1.06: continued

- B. Meetings: On a Monday or Wednesday in the afternoon
 - C. Time: 3:00 PM to 4:00 PM or 3:30 PM to 4:30 PM
 - D. Meetings are expected to run for 1 hour
 - E. Will have six meetings a calendar year
- V. Organizational Structure
- A. There shall be a Chair, Vice-Chair, Secretary, and Parliament, who shall serve as the Executive Members of the Youth Advisory Council. The Executive Director or their designee shall appoint a Chair Of the Council. The Executive Members shall serve a term of one (1) year and up to two (2) consecutive terms. All Executive Members, except for the Chair, shall be voted in by voting members of the Youth Advisory Council.
- VI. Procedural Rules
- A. Meetings: The committee will meet at least six (6) times per year at dates and times to be determined by the members by the body's first meeting starting the new calendar year.
 - B. Written notices of upcoming meetings will be emailed to members at least seven days before a meeting. Meetings shall be held at The Office of Police Accountability and Transparency (2201 Washington Street, Suite 102, Boston, MA 02119).
 - C. Minutes: Minutes of each meeting will be kept.
 - D. Recommendations and Reports: Council recommendations and reports will be submitted in writing to the Executive Director. Documents will include both suggested action and justification for suggestions. The Executive Director will respond/react to such recommendations/reports in writing.
 - E. Dismissal: Members absent without notice for three (3) consecutive meetings will be considered to have resigned their seats. The notification shall be sent to the Member by the Executive Director after the second (2nd) missed meeting. Suppose no response is received and a third (3rd) consecutive meeting is missed. In that case, the Executive Director will notify the Member of the decision to remove them from the Council at the next meeting. The Youth Group Committee and the Executive Director will then move to fill the position immediately.
- VII. Compensation
- A. Members of the Youth Advisory Council (YAC) shall receive \$18/per hour up to \$432 per member, per fiscal year for service performed to the department. YAC members are not decision-makers, but instead, they provide advice and recommendations to the Executive Director of OPAT regarding their perspective on policing and creating reform policies and strategies by conducting robust, high-quality conversations.