

Boston Police Reform Task Force: Recommendations to the Mayor

Introduction

“As a law officer my fundamental duty of a law enforcement officer is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.”¹

On June 12, 2020, Mayor Martin Walsh signed on to the Mayor’s Pledge issued by the Obama Foundation’s My Brother’s Keeper Alliance. As part of this pledge to turn commitments into action, the Mayor convened the Boston Police Reform Task Force (“Task Force”)², an 11-member group composed of community leaders, advocates, members of the legal profession, and members of law enforcement. The Task Force was convened as people across the City of Boston, the United States, and world were taking to the street to protest police misconduct—that all too often has had deadly consequence for people of color—and demanding institutional change to local law enforcement infrastructure.

The Task Force was charged with reviewing a set of current Boston Police Department’s (“BPD”) policies and procedures, and presenting to the Mayor and to the public recommendations for action and reform. The Mayor charged the Task Force with four main areas of review: Use of Force policies; Implicit Bias Training, the Body-worn Camera Program, and the Community Ombudsman Oversight Panel (“CO-OP”).

Once convened, the Task Force agreed that the fundamental purpose of its recommendations was to move the BPD towards achieving the ideals articulated above. To achieve this end, the Task Force agreed upon a set of guiding principles—i.e., the recommendations should enhance enforceability, accountability, trust, transparency and should improve the relationship between the BPD and Boston community that it serves and protects.

To achieve these goals, the Task Force recommends that the City and the BPD undertake the following reforms as quickly as possible.³

1. Create an independent Office of Police Accountability and Transparency (“OPAT”) with full investigatory and subpoena power, i.e. the ability to call witnesses and to compel the discovery of documents.
2. Formalize and expand the BPD’s commitment to diversity and inclusion through the creation of a Diversity & Inclusion unit.
3. Expand the BPD’s adoption of the body-worn camera program and continue to ban the use of biometrics and facial recognition software.

¹ The Law Enforcement Code of Ethics from the International Association of Chiefs of Police (“IACP”)

² A glossary of abbreviated terms can be found at Appendix 5.

³ The Task Force has also set out an implementation timeline. *See* Appendix 4.

4. Enhance the BPD's Use of Force policies ([Rule 303](#), [Rule 303A](#), [Rule 303B](#), [Rule 304](#)) so that they articulate clear and enforceable disciplinary code of consequences for violations and infractions and hold the BPD publicly accountable for the violation of these policies.
5. Adopt practices that maximize accountability, transparency and public access to the BPD.

In order to implement the Task Force's recommendations, the City and the BPD must also commit to broader institutional actions and reforms beyond the specific recommendations summarized above and described below. They must:

1. **View these recommendations as the floor rather than the ceiling on police reform.** The Task Force had approximately sixty days to conduct research, engage with Boston residents, advocates, practitioners and stakeholders, and propose a set of high-level recommendations to the Mayor. This period is not sufficient to draft an exhaustive or highly detailed set of recommendations. The BPD and the City must continue to work with the Boston community to develop additional reforms.
2. **Commit to internalizing the Task Force's recommendations.** It is not enough that the Mayor adopt the Task Force's recommendations and that the BPD pledge to implement them. The BPD and/or the City must also measure and monitor the BPD's progress and enforce consequences where results are not achieved. To that end, the Task Force recommends that the City and BPD continue to engage with residents to develop accountability metrics, with a clear set of consequences, and be intentional about providing the public with status updates.
3. **Critically analyze the capabilities and the expertise of the BPD and determine where responsibilities can be shifted.** To avoid duplication, unnecessary expenses, and increased bureaucracy the City and the BPD must (1) assess the BPD's expertise and ability to handle its current responsibilities beyond law enforcement; (2) analyze the existing and potential capabilities of City agencies to which those responsibilities can be shifted to better meet the public need; and (3) develop partnerships among the BPD and other city agencies to accomplish these goals. Specifically, the City should identify, strengthen, and expand services that appropriately serve and support the BPD in shifting responsibility in responding to instances involving persons experiencing homelessness, substance use, mental health, crises or other social vulnerabilities.
4. **Develop a culture that prioritizes diversity, equity, and community engagement.** This report contains several specific recommendations for improving BPD's culture and increasing the diversity of the BPD. Specifically, we recommend that the BPD and the City reassess the civil service requirements pertaining to the BPD officer disciplinary, hiring and promotion policies. However, we acknowledge that implementation of these recommendations alone is not enough. Bringing about meaningful culture change in an institution requires that the institution itself go through a deliberate process of self-reflection and exploration to begin the process of change. Accordingly, the BPD and the City must commit to working with residents and community stakeholders to support these necessary culture changes.

5. Pledge to implement the Task Force’s recommendations without increasing the BPD’s budget.

The recommendations, grouped by area of review, are described in greater detail below.⁴

Recommendation 1: Create an independent office charged with (i) review and, when appropriate, investigation of BPD internal affairs investigations, (ii) receiving, reviewing, and conducting inquiry into certain complaints involving BPD and the members thereof, (iii) and housing an administrative/operational team responsible for providing operational support. This office will hold subpoena power. Said office to be called the Office of Policing Accountability and Transparency.

The City of Boston’s independent police oversight board was established in 2007 as the Community Ombudsman Oversight Panel (“CO-OP”). The purpose of the CO-OP, an independent group of civilian members, is to help ensure that police investigations are fair and thorough by reviewing complaints made against the BPD’s Internal Investigation Team and reviewing a random sample of cases without associated complaints.

As has been documented in reports prior to this, the scope and authority of the CO-OP is limited making it difficult for the CO-OP to achieve its fundamental purpose- holding the BPD accountable to the public. That being said, it is the belief of the Task Force that the functions of the CO-OP are important and should be maintained. In order for the CO-OP to be effective, however, it must be strengthened.

To meet this objective, the Task Force has designed the Office of Policing Accountability and Transparency (“OPAT”). By design, OPAT has a more expansive accountability and transparency mandate and greater investigatory powers than the CO-OP. Most notably, OPAT has subpoena power and investigatory authority.

Recommendation 1.01: OPAT, as designed, has four (4) components: (i) an administrative arm led by an Executive Director and staffed by professionals to support the overall operations of OPAT and the issuance of public facing reports and release of data related to certain activities of the BPD for the public; (ii) a panel of professionals charged with the review and inquiry into investigations of the BPD Internal Investigations Team. This redesigned panel is the Internal Affairs Oversight Panel (“IAOP”); (iii) a board comprised of civilians (residents) charged with reviewing and recommending action on certain complaints against the BPD and members of law enforcement, reviewing certain BPD policies and other actions to provide public voice to both the BPD and the Mayor on issues of importance to the community, advising, with assistance from the administrative team, the Mayor and the BPD on policing policy, investigating current and historic disparate treatment of Black, Indigenous, and People of Color (“BIPOC”) officers in the BPD, and publishing reports on the BPD’s progress on its various reform goals. This newly created

⁴ For additional information concerning Recommendations 1 and 2, *see* the appendices 1 and 2 at the back of this report.

board is the Civilian Review Board (“CRB”); and (iv) a three (3) member commission of professionals who hold the subpoena power of the office. The members will be the Executive Director, and the chairs of the IAOP and the CRB. No subpoena shall be issued without the approval of the commission. It is important to note that OPAT would not supersede the primary jurisdiction of any other investigatory body. *The City should create a new office, OPAT, that shall have broad investigatory, oversight and supervisory powers.* Through its staff and units, OPAT shall execute the following responsibilities in accordance with the timelines detailed in Appendix 4.

Recommendation 1.01(a): Review completed investigations by the Internal Affairs Department. At its discretion and with no limit to the number of investigations the IAOP shall review completed internal affairs investigations conducted by the BPD’s Internal Affairs Department (“IAD”).

Recommendation 1.01(b): Review and resolve civilian complaints against the BPD within the timeframes recommended by the Task Force set out in the Appendix 3. The CRB should conduct independent inquiry and appropriate investigations into complaints against the BPD and members of law enforcement in Boston. Complaints appropriate for review include, but are not limited to, complaints involving: (1) in-custody death or serious bodily injury, (2) excessive use of force resulting in death or serious bodily injury, (3) allegations of perjury against a BPD officer, or (4) allegations that a BPD officer’s conduct was motivated by discriminatory intent. In no event shall the inquiry or investigation by the CRB interfere with any criminal investigation by any authority with jurisdiction.

Recommendation 1.01(c): Timely review and approval of existing and proposed BPD policies using racial equity assessment tools. Where appropriate based on its findings, the CRB should recommend revisions and/or modification to existing policies or proposed policies that perpetuate discrimination based on race, ethnicity, gender identity, sexual orientation, youth, advanced age, housing status, substance use, mental and/or behavioral health, and/or national origin to the Police Commissioner. Any recommendations should be made publicly available and placed on a website maintained by OPAT.

Recommendation 1.01(d): Conduct equity assessments on the BPD’s current and historic recruiting, hiring, promotion,

disciplinary and termination records. To eradicate disparate treatment of BIPOC candidates and officers, the administrative unit of OPAT should investigate allegations of disparate treatment in recruiting, hiring, promotion, discipline and termination. Accordingly, the CRB should independently review instances where a BIPOC officer is disciplined or terminated, and should evaluate alternates to the civil service examination process. The CRB's recommendation should then be forwarded to the Police Commissioner for review. The administrative unit of OPAT should also publish public, semi-annual reports of its findings.

Recommendation 1.01(e): Review and analyze Field, Investigation, and Observation ("FIO") data and publish its findings on a semi-annual basis through a website maintained by OPAT.

Recommendation 1.01(f): Conduct an annual community assessment of the Police Commissioner and provide its findings to the Mayor. It is not the Task Force's intent that confidential information be disclosed, but the community assessment should be considered a public record.

Recommendation 1.01(g): Assist the Mayor in selecting a Police Commissioner. OPAT should screen potential candidates and provide recommendations based on community feedback.

Recommendation 1.01(h): Participate in the selection and implementation processes of grants to the BPD.

Recommendation 1.02: OPAT's structure should facilitate its mission to enhance accountability and transparency in the BPD.⁵ OPAT's structure should include strong leadership to orient and supervise its work, two specialized and separate units dedicated to reviewing internal affairs investigations and complaints against the BPD or members of law enforcement in the BPD, respectively, and a highly skilled staff to perform OPAT's administrative, executive, and investigatory functions.

Recommendation 1.02(a): Three commissioners should form OPAT's leadership team. The Commissioners will be the Executive Director of the Administration Unit, the Chair of the IAOP, and the Chair of the Civilian Review Board.

The Commissioners must have the requisite experience and expertise to lead OPAT. Therefore, each Commissioner should have some type of expertise

⁵ See Appendix 1 for the OPAT organizational chart.

relevant to police reform. And each Commissioner should be representative of a demographic group that is disproportionately impacted by excessive use of force and excessive use of FIOs.

The Commissioners shall have the authority to issue subpoenas. Additionally, the Commissioners shall convene at least four community meetings per year. The meetings should rotate across Boston neighborhoods.

Recommendation 1.02(b): OPAT should have an Executive Administration (“OPAT Staff”) responsible for carrying out its mission on a day-to-day basis. The OPAT staff should:

Recommendation 1.02(b)(1): Receive and act upon complaints that OPAT receives. OPAT staff should recommend one of the following outcomes: (1) dismissal; (2) referral for mediation; (3) out of scope designation; (4) referral to IAOP; or (5) referral to CRB.

OPAT staff should perform the investigatory work necessary for the IAOP and the CRB to resolve internal affairs and civilian complaint issues, respectively. As part of this responsibility, OPAT staff should draft reports summarizing the findings of its investigations and present its findings to the requesting unit.

Recommendation 1.02(b)(2): The Executive Administration should be staffed so that it can execute its many, substantive responsibilities. Accordingly, the City should classify OPAT staff as full-time municipal employees and provide OPAT with the resources to recruit and retain highly skilled applicants and leadership. At the very least, the Executive Administration must have an executive director, a deputy director, and highly skilled technology professionals, independent investigators, analysts, law enforcement professionals, communication strategists, community liaisons, and mediation professionals.

Recommendation 1.02(b)(3): The Executive Director will lead the Executive Administration. The Executive Director should be a member of the Massachusetts bar, but shall not practice law while serving their term. The Executive Director should also have managerial experience and live in the City of Boston for the entirety of their term.

Recommendation 1.02(c): The CO-OP should be reconstituted. The new entity should be known as the “IAOP.” The IAOP should be empowered to review completed internal affairs investigations at its discretion and without limitation to the number of investigations it may review.

The IAOP should have five members. The Mayor should appoint its members from a pool of applicants recommended by civil rights advocacy groups, youth organizations, neighborhood associations, and police associations.

IAOP members should serve three-year terms and not serve more than two consecutive terms. Members should serve overlapping terms so there are at least two (2) members with at least eighteen (18) months of service on the IAOP to help ensure continuity. Members will receive a stipend.

Following investigation and review of an internal affairs investigation, the IAOP will deliberate and make one of the following findings: (1) agree with the Internal Affairs decision; (2) disagree with the Internal Affairs decision; or (3) refer back to Internal Affairs for further investigation or action.

Where the IAOP panel disagrees with Internal Affairs original decision, IAOP will refer the matter to the Police Commissioner for further action.

Recommendation 1.02(d): The Civilian Review Board (“CRB”) shall be responsible for reviewing complaints against the BPD. And it may, at its discretion, investigate matters related to OPAT’s general mission.

The CRB should have at least seven but no more than eleven members (“Board Members”). The Mayor will appoint the Board Members with recommendations from the City Council and the Boston community. The President of the City Council will recommend two (2) appointees designated by the City Council for consideration. The Mayor should appoint nine (9) members from an applicant pool nominated by civil rights advocacy groups, youth organizations, neighborhood associations, self-nominations, and former members of law enforcement. CRB Board Members cannot be current members of law enforcement.

The CRB is responsible for the resolution of complaints that are not within scope for the IAOP. With investigatory assistance from the Administrative staff, the CRB will deliberate and make a finding on the complaint at issue. The CRB must make one of the following findings: (1) Sustained; (2) Not Sustained; (3) Exonerated; (4) Unfounded; or (5) Information Inquiry (insufficient evidence to make a finding).

If the CRB sustains the complaint, the file is referred to the Police Commissioner for disciplinary action with a copy to the Commissioners. CRB determinations should be final and determination outcomes should be published in OPAT’s semi-annual report.

Recommendation 1.03: OPAT’s office(s) should be located in the community it serves. To promote community engagement and participation, OPAT’s main office should be located in a neighborhood where residents have been adversely impacted by FIOs and excessive use of force. The office should not be physically located in City Hall or in the BPD. In addition to a physical office, OPAT must identify various locations throughout the City of Boston where complaints may be filed,

including online access. There must be full language accessibility to support the filing of complaints.

Recommendation 1.04: All parties involved in an OPAT investigation are entitled to know the matter's status. Accordingly, all investigations should follow a strict timeline (see Recommendation 5 and Appendix 3 for greater detail). When the timeline cannot be met, OPAT must inform the parties involved. It should provide its information on its adherence to this timeline to the public.

Recommendation 2: Formalize and expand the BPD's commitment to diversity and inclusion.

To create a police force that serves all communities with respect, the BPD must commit to increasing diversity across all of its ranks and to promoting an inclusive culture of fair and impartial policing within the BPD and across Boston.

Recommendation 2.01: Create a formal diversity and inclusion policy. Currently, the BPD has no formal diversity and inclusion policy. It must draft a clear statement that articulates BPD's commitment to the recruitment, hiring, retention, and advancement of BIPOC sworn officers and civilian staff.

The Task Force recommends that the policy specifically address the following issues: diversity and inclusion within the Cadet Program and Police Academy; hiring and promotion equity, including within the civilian employee force; and diversity and inclusion in units/districts that most frequently interact with BIPOC communities, including the B-2, B-3, C-11, Gang and Drug Units.⁶

Recommendation 2.02: Create a Diversity and Inclusion Unit in the BPD. The BPD should develop a Diversity & Inclusion Unit ("D&I Unit"). Currently, the BPD has only one diversity recruitment officer and exam administrator. This officer has a limited role in promotion, institutional culture, and training matters. This must change.

The new D&I Unit should have a Chief Diversity Officer and Diversity Recruitment Officer who reports directly to the Police Commissioner.⁷ The D&I Unit should advise on all matters related to: (1) recruitment, (2) hiring, (3) retention, (4) promotion, (5) discipline, (6) termination of BIPOC officers, (7) BPD culture, (8) antiracist and implicit bias training, and (9) Minority Officer Reports of Discrimination.

The D&I Unit should evaluate the BPD's employment criteria, standards, and benchmarks to make sure that they are tailored to gauge the skills necessary to perform the tasks required of the positions. The D&I Unit should also analyze existing pipeline programs and create new partnerships connecting the BPD to Boston Public School ("BPS") and local community college students.

⁶ B-2, B-3, and C-11 are Districts.

⁷ Currently, the Diversity Officer and Exam Administrator sit in the BPD's Human Resources department.

To hold the BPD accountable to its diversity and inclusion commitments, the D&I Unit should conduct an annual review of the BPD's progress. The annual review should analyze hiring and promotion, retention, and termination data (i.e., internal data) and data related to equitable policing (i.e., external data). The D&I Unit should share its findings with the public and its data with OPAT.

Recommendation 2.03: Prioritize recruiting and hiring BIPOC sworn and civilian officers by revising the civil service system to prioritize local hiring. Crucial to this effort is establishing a BPS graduate preference. Currently, military service veterans are given preference on the eligibility list of civil service positions and have two points added to their overall score for promotional examinations. The Task Force recommends developing a similar BPS preference. The preference would apply to all individuals who received a high school diploma from a BPS, METCO, and/or another Boston Compact institution, placing qualifying individuals on equal footing with veterans.

Recommendation 2.04: Prioritize advancing and retaining BIPOC sworn and civilian officers. It is not enough for the BPD to promote diversity among its new recruits.

Recommendation 2.04(a): Reform promotion protocol so that it is less reliant on written examinations. Police supervision is a complex job, which requires intangible skills that cannot be assessed by standardized tests. To that end, the City, with the help of a professional consultant, should review its current promotion policies and revise them so that they assess the essential skills required to perform the functions of a sergeant, lieutenant or captain. The City must then reorient promotional protocol and examinations to assess these skills.

Concurrently, the BPD should implement measures that eliminate unfair testing. These measures should include:

- Assigning two additional points on examinations to BPS, METCO, or Boston Compact graduates and/or residents of the City of Boston who have lived in the City for not less than five years.
- Ending the use of political patronage to determine individuals selected to appointed positions.
- Increasing the transparency of promotional exams by scoring exams as quickly as possible and releasing exam questions and answers as soon as possible after applicants complete exams. These measures will help avoid perceptions that exam outcomes are manipulated and will allow candidates to have confidence in the legitimacy of their scores.

- Eliminating access to exams prior to exam dates by BPD personnel.
- Putting greater emphasis on applicants' departmental service records in determining promotions.

Recommendation 2.05: Update Boston's bias free policing policy. The BPD's current bias free policy (Rule 113A) is deficient in two main ways. First, it does not articulate BPD's commitment to protecting and serving in a nonbiased manner. Second, currently the BPD fails to define "biased free policing."

The BPD should revise the policy to clearly state the commitment of the entire BPD (i.e., all sworn officers and civilian staff) to providing nonbiased, high-quality service to every community in Boston. To achieve this, the revised policy should communicate clear procedures that promote transparency and accountability.

The BPD must define "biased free policing" and make clear that it does not consider race, ethnicity, gender identity, sexual orientation, youth, advanced age, housing status, substance use, and mental and behavioral health, and/or national origin, except when credible intelligence links a person with those characteristics to accident, criminal pattern, or scheme.⁸

Recommendation 2.06: Improve racial equity trainings. Since 2015, the BPD has used a training program known as Fair & Impartial Policing. This training is wholly inadequate. Its substance is outdated, the BPD provides it only to trainees, and it is too short (only two hours) to effectively communicate its aims. The BPD must overhaul its entire racial equity training program. New programming should be built out and expanded and everyone— all recruits, sworn officers, and civilian employees— should participate.

Accordingly, the BPD should implement a racial equity curriculum with a focus on fostering equitable policing and improving BPD's relationships with Boston communities. To that end, these programs must promote racial equity and literacy and have an anti-racist orientation. The BPD should also develop complementary workshops that focus on emotional intelligence, communication, listening, conflict management, and critical thinking.

To measure the effectiveness of these trainings, the BPD should develop metrics that assess the BPD's progress in meeting its diversity and inclusion goals. The Task Force acknowledges that assessing the efficacy of racial equity training is a difficult and persistent problem for police departments across the country. Possible metrics are FIO data, prejudice complaint statistics, and sustained incidences of prejudice statistics.

Recommendation 2.07: Establish a Task Force to Implement Racial Equity Ideas. In order to internalize a commitment to racial equity and

⁸ The BPD data reviewed by the Task Force related to FIOs, arrests and warrants (including no knock warrants) clearly demonstrate a disproportionate impact on Black and Latino people. See Appendix 2.

diversity and inclusion, the BPD cannot simply adopt these recommendations and then fail to put them into practice. Incorporating these recommendations requires BPD buy-in. Specifically, the task force should be responsible for developing metrics to measure BPD progress toward putting these recommendations into practice, assessing BPD's progress via these metrics, and devising strategies to integrate these recommendations as well as individual and institutional consequences to promote progress.

Recommendation 3: Expand the BPD's use of the body-worn camera ([Rule 405](#)) program where it increases police transparency and accountability, and continue to ban the use of biometrics and facial recognition software.

The Task Force recommends expanding the body-worn camera program, but doing so in a manner that maximizes public access and BPD accountability and transparency and minimizes the potential for discrimination and/or overreliance on body-worn camera footage in BPD's policing work.

Recommendation 3.01: Expand the body-worn camera program to include all BPD uniformed officers.

Recommendation 3.02: Require BPD uniformed officers to keep their body worn cameras on at all times during work hours, with exceptions for privacy.

Recommendation 3.03: Allow individuals recorded by the BPD (or their next of kin) unfettered access to the body-worn camera footage of themselves (or of their family member).

Recommendation 3.04: Allow the public broad access to body-worn camera footage via FOIA.

Recommendation 3.05: Increase the retention period for body-worn camera footage. The BPD should retain footage from body-worn cameras for at least six months, or, if the subject, officer, or officer supervisor flag the footage, BPD should retain the footage for three years.

Recommendation 3.06: Develop clear procedures and consequences for violations of body-worn camera policy. Though violations of the Body-worn camera program are currently addressed with the BPD Disciplinary Code, the BPD should develop a progressive tier system for discipline that clearly outlines consequences for policy violations. These consequences should affect officer promotions and/or salary increases.

Recommendation 3.07: Maintain the BPD ban on biometrics and facial recognition technology in the body-worn camera program.

Recommendation 4: Develop use of force and disciplinary policies that articulate clear consequences for violations, hold the BPD accountable to the public, and minimize the risk of repeated violations.

To create a BPD that protects and serves the entire Boston community, it must commit to putting clear, forceful disciplinary policies into effect for use of force and related violations.⁹ More important though, BPD must also commit to applying these policies consistently and in good faith.

BPD should also track and share information about officer misconduct with the public regularly. It should acknowledge in its policies that person's identities (i.e., race, ethnicity, gender identity, sexual orientation, youth, advanced age, housing status, substance use, mental and behavioral health, and/or national origin) may have a disproportionate impact on how that person is impacted by use of force.

Recommendation 4.01: The BPD should be required to report use of force data, including weapons discharges, to the appropriate state and federal agencies in as timely a manner as prescribed. In addition, this data should be made available to the public via the dashboard¹⁰ and other reporting mechanisms, such as an annual report.

Recommendation 4.02: The BPD should be required to report Arrest-Related Deaths ("ARD") to the Deaths in Custody Reporting Program ("DCRP"). In addition, the BPD should make ARD information available to the public via the dashboard and other reporting mechanisms, such as an annual report.

Recommendation 4.03: In coordination with the City, the BPD should work to resolve all current cases involving excessive force and wrongful death. In addition, the BPD should release all data and records related to excessive force and wrongful death cases. Information regarding BPD excessive force and wrongful death cases and corresponding data should be made available to the public via the dashboard, and other reporting mechanisms, such as an annual report.

Recommendation 4.04: The BPD should create a list of zero-tolerance offenses. This list should include violations that result in immediate termination and violations or deviations that result in infractions. It also should take into account the severity of the violation and articulate a maximum number of infractions or violations that may be committed before termination.

⁹ There may be a connection between use of violence and domestic abuse. See <https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1066&context=themis>

¹⁰ Executive Order Relative to Open Data and Protected Data Sharing (2014)

The BPD should also develop a problem officer list based on infractions and IAD¹¹. The problem officer list, and corresponding data, should be publicly available via the dashboard, and other reporting mechanisms, such as an annual report.

Recommendation 4.05: The BPD should review, revise and update its use of force policies so that they are in agreement with the latest iteration of the use of force continuum.¹²

Recommendation 4.06: Domestic violence by BPD employees should be classified as excessive force.¹³

Recommendation 4.07: After use of force, excessive force or instances when a civilian is killed, the Officer involved should have a psychological evaluation and submit to drug/alcohol test.

Recommendation 4.08: BPD should include language in its policies that directly address race, ethnicity, gender identity, sexual orientation, youth, advanced age, housing status, substance use, mental or behavioral health, and/or national origin. These identities have a disproportionate impact on whether a person experiences officer use of force.

Recommendation 5: The BPD should develop practices that maximize accountability, transparency and public access to the BPD.

Recommendation 5.01: BPD should publish information regarding sensitive officer conduct.¹⁴ The BPD has a responsibility to share information about sensitive officer conduct with the Boston community. Accordingly, the BPD should create a series of publicly accessible reporting tools that document this conduct. These tools should disaggregate all data by race and ethnicity, and by neighborhood zip code. At least one of these tools must be focused on sensitive officer conduct¹⁵ and all reporting tools should be accessible on the Accountability and Transparency Website.¹⁶

The BPD must make sure that the dashboard, and all other reporting tools it chooses to adopt, are accessible to all Boston residents. Specifically, the BPD must commit to publicizing the

¹¹ IAD: Internal Affairs Division

¹² Policies that guide law enforcement's use of force. These policies describe an escalating series of actions an officer may take to resolve a situation. This continuum generally has many levels, and officers are instructed to respond with a level of force appropriate to the situation at hand, acknowledging that the officer may move from one part of the continuum to another in a matter of seconds. See <https://nij.ojp.gov/topics/articles/use-force-continuum>.

¹³ Reasonable Force is defined as balanced response suitable to the confrontation that is necessary to overcome unlawful resistance and regain control of the situation ([Rule 304](#)).

¹⁴ Sensitive BPD-related incidents should be included but not limited to: citizen and internal complaints against BPD officers, use of force incidents, firearm discharges, in-custody deaths, FIOs, and search warrants.

¹⁵ The city defines a dashboard as an information management tool that uses data visualizations to display Key Performance Indicators ("KPIs") to assess various aspects of performance while generating actionable insights.

¹⁶ In August 2020, Police Commissioner Gross committed to improved data collection, enhanced reporting and public access with respect to use of force, complaints and other measures of police accountability.

Accountability and Transparency website and its various dashboards as soon as they come online. It must also design the Accountability and Transparency Website so that all Boston residents can access it. This includes making the website available in the many languages that Boston residents speak and making the website viewable on all manner of devices, as many Bostonians do not access the internet via computer.

Recommendation 5.02: The BPD must establish a timeline for the release of BPD records that promotes the release of records as quickly as possible based on contextual factors. Moreover, when the BPD fails to meet the milestones laid out in the timeline, it must publicly acknowledge that it has failed to do so.

Recommendation 5.03: To facilitate enhanced data collection, reporting and public accessibility, the BPD should create a Public Records Unit. The BPD should task the Public Records Unit with maintaining records of sensitive officer-involved incidents and overseeing the publication of this information via the dashboard and other record-keeping tools.

Recommendation 5.04: To improve transparency and enhance its relationship with the communities it serves, the BPD must strive to make the BPD as open and accessible as possible. Most obviously, the BPD should require that all BPD officers wear visible, rectangular nametags. In addition, the BPD should create separate complaint and commendation forms so that complaints and commendations can be sorted and addressed appropriately. Relatedly, these forms should be accessible outside of BPD precincts. To that end, the City should identify various locations throughout the City of Boston, including, but not limited to libraries, youth and community centers, health centers and other public venues, at which information regarding the process for submitting commendations and complaints is available.

Conclusion

The Task Force offers these recommendations not as an exhaustive list of police reform recommendations, but as a portfolio of recommendations that, if implemented, can serve as a foundation upon which additional work can be done. To bring about meaningful reform to the BPD, reform that is internalized and put into practice on a day-to-day basis, there is more work to be done. Additionally, we believe that the City and the BPD would benefit from a further, more comprehensive study on these issues. Therefore, the Task Force would strongly suggest that the City, through OPAT, commission such a study.

Respectfully Submitted,

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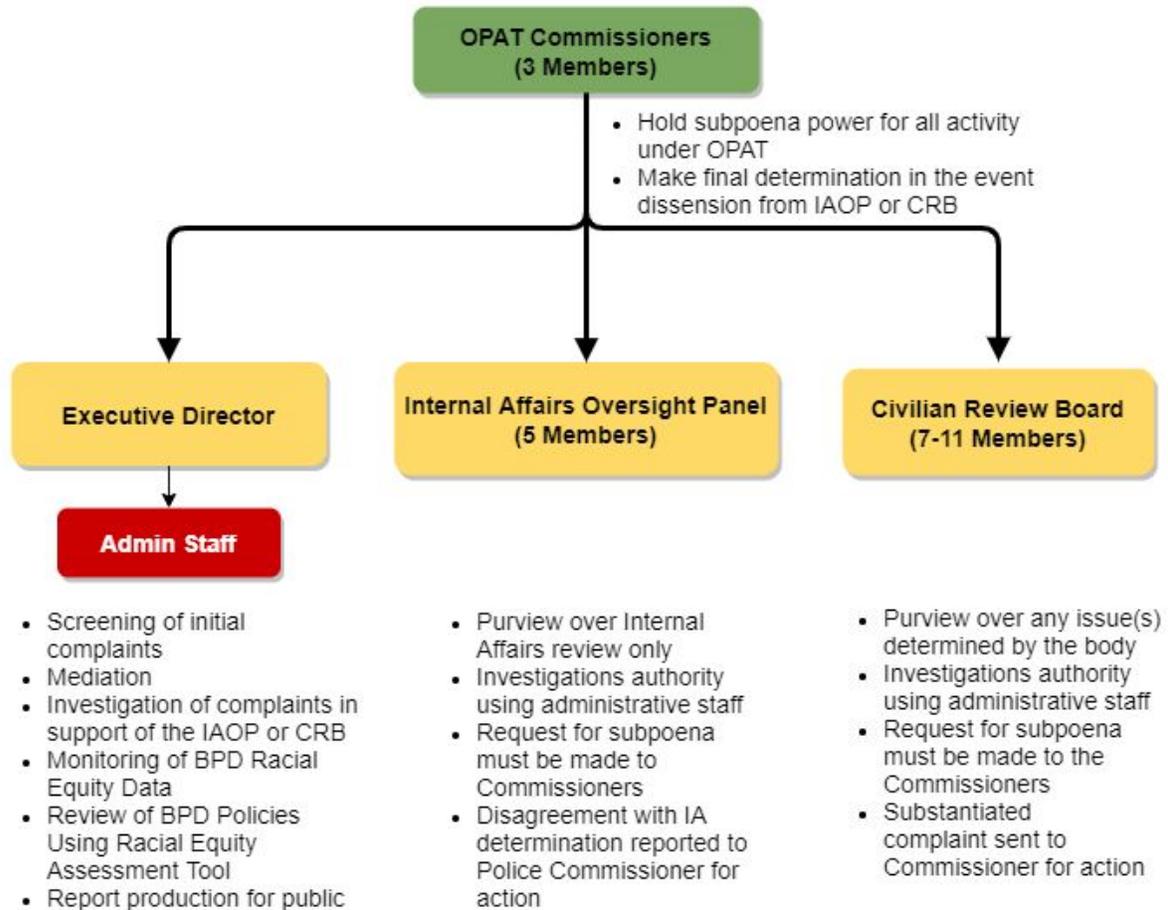
The Task Force also thanks its legal counsel, Marielle Sanchez, Esq., of Goodwin, LLP for her outstanding contributions to this work.

APPENDIX

Appendix 1: OPAT Organizational Chart

Office of Policing Accountability & Transparency (OPAT)

Organizational Chart / Reporting Structure



Appendix 2: The following is an overview of the research and resources that the Task Force used when developing its diversity and inclusion recommendations.

I. DIVERSITY & INCLUSION: HIRING, PROMOTION, RETENTION

Diversity programs focus on increasing the number of under-represented groups within an organization. BPD has previously placed an emphasis on having its police force reflect the demographics of the community it polices. Notwithstanding those efforts, however, as reflected in the table below, minorities are underrepresented within the BPD, particularly within the higher levels of the organization. Glaringly absent from the BPD’s current structure and policies, are a diversity and inclusion officer involved with promotions and retentions (as opposed to recruitment), or any formal diversity and inclusion policy to ensure the continued success of efforts to recruit people of color into the BPD, and equity in terms of promotional opportunities and advancement for officers.

Police Demographics¹⁷

Race/Ethnicity	Boston Population	Police force	Command Staff	Captain	Lieutenant	Sargeant	Detective	Patrol
White	43.90%	65.00%	52%	85%	97%	79%	57%	63%
Black	23.10%	21%	35%	7%	3%	14%	31%	22%
Total Hispanic	20.40%	11.00%	9%	4%	0%	6%	10%	12%
Asian	9.70%	2.00%	4%	4%	0%	1%	3%	3%

Though important, diversity and inclusion efforts are not driven by considerations of equity and fairness from an employment perspective. Rather, they are essential to ensure diversity of culture, perspective, and experience, thereby improving overall performance. Further, diversity is crucial to community perception. For a diversity program to be successful, it must directly impact organizational culture, which requires minority representation at sufficient levels both as a whole and within leadership.

Need for Change

BPD Field Interrogation and Observation data strongly supports the need for change. As reflected below, policing data demonstrates that African Americans and, to a lesser extent, Latinos, are being disproportionately stopped. Although the underlying data may be influenced by factors not exclusively premised upon race, the consistent disproportionality suggests implicit or explicit bias. Of note is the warrant data, which suggests that African Americans and Latinos comprise the vast majority of individuals for whom warrants were issued, excluding those where the race and ethnicity was not specified.

FIOs¹⁸

- FIOs decreasing: 55,000 in 2018; 14,000 in 2019
- In 2019, 70% of FIO’s involved African Americans

Warrants: 2015-2020¹⁹

¹⁷ Data provided by the Boston Police Department.

¹⁸ <http://bpdnews.com/news/2017/5/23/boston-police-department-releases-latest-field-interrogation-observation-data>

¹⁹ Data provided reflect warrants served by the Boston Police Department SWAT team.

Race/Ethnicity	Boston Population	Warrants-All	No Knock Warrants
White (non-hispanic)	43.90%	0	0
Black (non-hispanic)	23.10%	34	15
Hispanic	20.40%	22	12
Asian	9.70%	1	1
Other	2.80%	2	0
Not Specified	N/A	19	13

Arrest Data: 2017-2019²⁰

Race/Ethnicity	Boston Population	Arrests	No. of Arrests
White	43.90%	27.60%	8239
Black	23.10%	47%	14043
White Hispanic		14.70%	4385
Black Hispanic		8.80%	2637
Total Hispanic	20.40%	23.50%	7022
Asian	9.70%	1.60%	465
Other	2.80%	0.40%	99

Create a Graduate Preference for Boston Public

BPD hiring primarily occurs through selection of applicants who have taken the civil service examination. Pursuant to M.G.L. c. 31 § 26, veterans are given preference on the eligibility list of civil service positions and have two points added to their overall score for promotional examinations. Notably, pursuant to M.G.L. c. 31 § 58, Boston also provides a “residency preference” to individuals that have resided in the city for one year immediately prior to taking the civil service examination.

We recommend developing a preference for high school graduates who have received a degree through the Boston Public School systems. Such a preference would have the advantage of both increasing opportunities for diversity within BPS and staffing the department with individuals having a strong connection to the community and extensive experience operating in a diverse environment. Notably, the BPS 2019-2020 school year enrollment statistics set-forth the following demographics:²¹

- 42.5% Hispanic
- 33% African American
- 14% White
- 9% Asian
- 1.5% Other

²⁰ Data provided by the Boston Police Department.

²¹https://www.bostonpublicschools.org/cms/lib/MA01906464/Centricity/Domain/187/BPS%20at%20a%20Glance%202019-20_FINAL.pdf

We recommend that BPS graduates preference place them on equal footing with veterans and extend to civilian employment opportunities. Additionally, we recommend that there be a preference for workforce housing for historically marginalized groups that are BPS graduates and are joining the civil service ranks.

Additional Resources: For additional information, please see the following links:

Fair and Impartial Policing Experts

National Initiative for Building Community Trust and Justice

[Phillip Atiba Goff, President of the Center for Policing Equity](#)

[Jennifer L. Eberhardt - Stanford University, Science Magazine](#)

[John Jay College of Criminal Justice, National Network of Safe Communities](#)

[The Civil Rights and Restorative Justice Project, Northeastern University](#)

[Ethical Policing is Courageous](#)

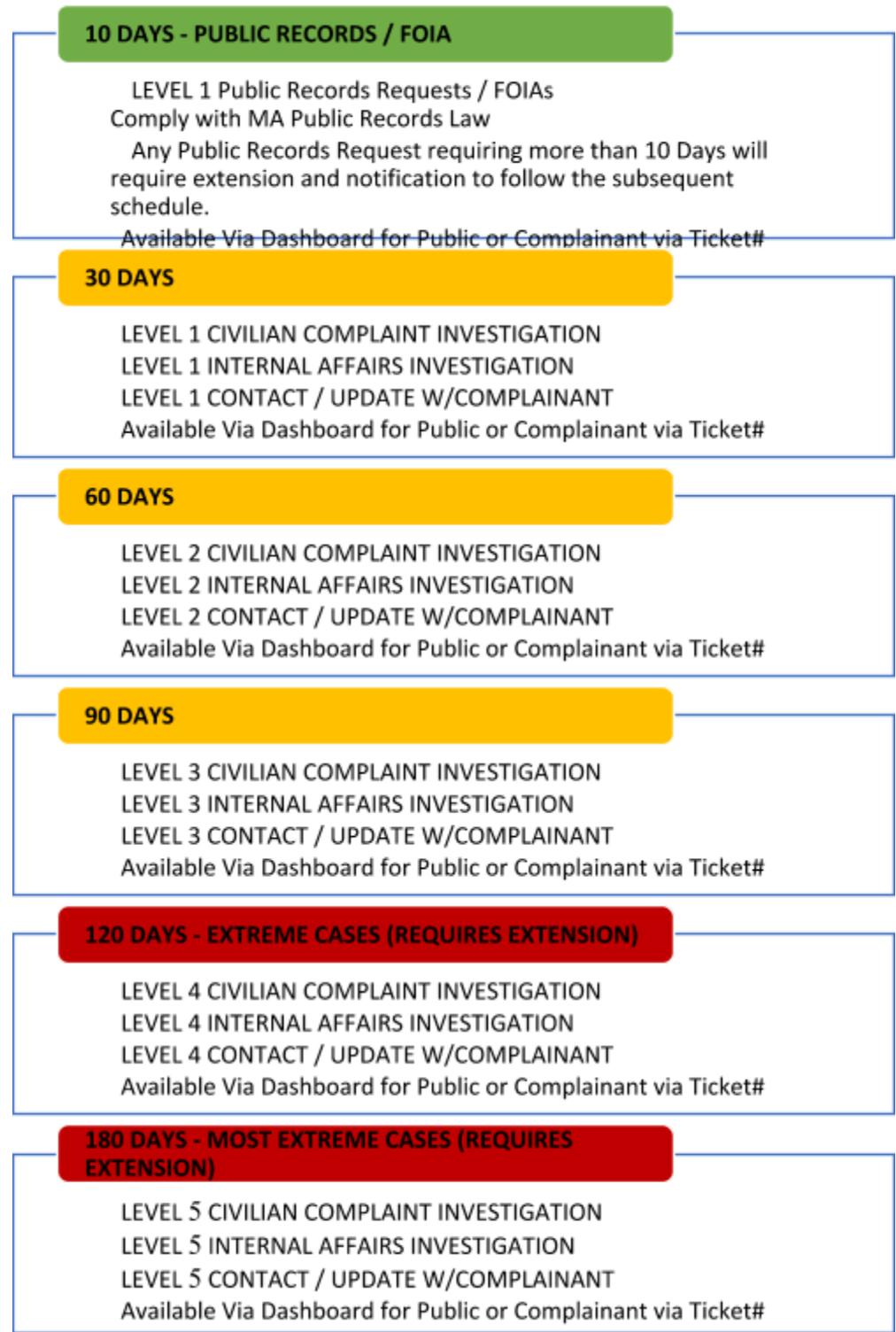
The numbers don't speak for themselves: Racial disparities and the persistence of inequality in the criminal justice system

Termination & Punishment of Officers of Color

Malik Morgan vs. City of Boston Police

Defay vs. Boston Police Department

Appendix 3 : Transparency Response Timeline



Appendix 4: Implementation Timeline Recommendations

Key:

Short-term: 30 days

Mid-term: 60-90 days

Longer-term: 120-180 days

Rec.	Summary	Jurisdiction	Timeline Recommendations (Short, Mid, or Longer-term)
1.01	Details the creation of a new OPAT office and outlines its roles and responsibilities.	Municipal	Phase 1: Short-term – Initiate Executive Director select process to assist in the creation of the office Phase 2: Mid-term – Select Executive Director Longer-term - OPAT fully established
1.02 (a-b)	Specifies the OPAT structure, the Commissioner appointment criteria and their ability to use subpoena power.	Municipal	Longer-term
1.02(c)	Details the reconstitution of the CO-OP into the new IAOP.	Municipal	Short-term
1.02(d)	Details the creation of a Civilian Review Board.	Municipal	Phase 1: Short-term – Executive Order establishing the Civilian Review Board Phase 2: Mid-term – Begin operational process
2.01	Create a formal Diversity Policy and Inclusion policy.	Municipal	Mid-term
2.02	Details the creation of a Diversity and Inclusion Unit in the BPD.	Municipal	30-60 days
2.03	Amendments to civil service that prioritize local hiring, including a BPS/METCO/Compact preference system.	State (Legislative)	Phase 1: Short-term – Draft legislation Phase 2: Mid-term
2.04	Prioritize advancing BIPOC sworn and civilian officers:	State (Legislative)	Phase 1: 30-60 days – Draft legislation Phase 2: Mid-term

2.05	Update BPD's Bias Free Policing Policy.	Municipal	Mid-term
2.06	Improve Implicit Bias Trainings with new programming that is expanded to all officers and employees.	Municipal	Phase 1: Short-term – Training design Phase 2: Mid-term – Academy training integration Phase 3: Longer-term – Full implementation or implicit bias training
2.07	Establish a Task Force within BPD to Implement Racial Equity efforts.	Municipal	Short-term
3.01	Expand BWC policy to include all BPD uniformed officers.	Municipal / Potential Bargaining	Short-term: Include as part of current bargaining discussions.
3.02	Require BWCs to be on during all on-duty hours, with exceptions for privacy.	Municipal / Potential Bargaining	Short-term: Include as part of current bargaining discussions.
3.03	Allow recorded individuals or next of kin unfettered access to BWC footage.	Municipal	Short-term: Include as part of current bargaining discussions.
3.04	Allow public broad access to footage via MA Public Records Law.	Municipal	Short-term
3.05	Retain footage for at least 6 months.	Municipal	Short-term
3.06	Develop clear discipline consequences for violation of the BWC policy.	Municipal	Already in place
3.07	Maintain BPD ban on biometrics and facial recognition.	Municipal / Potential Bargaining	Short-term: Include as part of current bargaining discussions.
4.01	Be required to report use of force data to appropriate State and Federal agencies in a timely manner as described.	Municipal	Immediate
4.02	Be required to report Arrest-Related Deaths and Deaths in Custody Reporting Program.	Municipal	Immediate/short-term
4.03	BPD should work to resolve all current	Municipal	Mid-term: review current status

	cases involving excessive force and wrongful death. Data related to the resolution should be publicly available on the dashboard, excluding data subject to confidentiality or privacy restrictions.		
4.04	BPD should create a list of zero-tolerance offenses for immediate termination and a problem-officer list that is publicly available via the dashboard, excluding data subject to confidentiality or privacy restrictions.	Municipal / Potential Bargaining	Short-term: Include as part of current bargaining discussions
4.05	BPD should review, revise, and update use of force policies in alignment with Use of Force Continuum.	Municipal	Phase 1: Policy update – 30-60 days Phase 2: Training – 60-120 days Phase 3: Full implementation – Longer-term
4.06	Domestic violence by BPD should be classified as excessive force.	Municipal	Phase 1: Legal assessment – 30-60 days Phase 2: Implementation following legal assessment – 60-90 days
4.07	After use of force or instances when a civilian is killed, the Officer should have a psychological exam and submit a drug/alcohol test.	Municipal / Potential Bargaining	Short-term: Include as part of current bargaining discussions
4.08	BPD should include language in its policies that directly address race, gender, sexual orientation, youth, advanced age, and other specified identities.	Municipal	30-60 days
5.01	BPD should publish information regarding resistive officer conduct on a dashboard, excluding data subject to confidentiality or privacy restrictions.	Municipal	Mid-term
5.02	The BPD must establish a timeline for the release of BPD records that promotes the release of records as quickly as possible based on contextual factors.	Municipal	30-60 days
5.03	To facilitate enhanced data collection,	Municipal	Longer-term

	reporting and public accessibility, the BPD should create a Public Records Unit.		
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Appendix 5: Glossary of Terms

ARD: Arrest-Related Deaths

BIPOC: Black, Indigenous, and People of Color

BPD: Boston Police Department

CRB: Civilian Review Board

CO-OP or “The Panel”: Community Ombudsman Oversight Panel

DCRP: Deaths in Custody Reporting Program

D&I Unit: Diversity & Inclusion Unit

FIO: Field, Investigation, and Observation

FOIA: Freedom of Information Act

IAD: Internal Affairs Department

IACP: International Association of Chiefs of Police

IAOP: Internal Affairs Oversight Panel

KPI: Key Performance Indicators

MBKA: My Brother’s Keeper Alliance

OPAT: Office of Police Accountability and Transparency

Task Force: An 11-member group composed of community leaders, advocates, members of the legal profession, and members of law enforcement