

Offered by Councilors Andrea J. Campbell and Ricardo Arroyo , Mejia, Bok, Essaibi-George, Breadon, Wu, O'Malley and Janey



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY

AN ORDINANCE ESTABLISHING A CIVILIAN REVIEW BOARD WITHIN THE CITY OF BOSTON

WHEREAS, Civilian oversight and review of internal and police misconduct investigations have become a standard practice for many law enforcement agencies; *and*

WHEREAS, It is in the best interest of the City of Boston and the Boston Police Department to have an oversight mechanism to build trust and confidence within the community; *and*

WHEREAS, Such oversight will serve to promote professionalism of the Boston Police Department, and to enhance community relations; *and*

WHEREAS, The current Community Ombudsman Oversight Panel (CO-OP) has been ineffective in creating effective oversight and accountability partly due to limited resources, authority and enforcement powers;

NOW, THEREFORE

Be it ordained by the City Council of Boston, as follows:

SECTION 1. The City of Boston Code, Ordinances, is hereby amended in Chapter II by inserting the following new Section after existing Section 2-15:

2-16 CIVILIAN REVIEW BOARD

2-16.1 Purpose

This Ordinance is to establish a Civilian Review Board in the City of Boston, a body independent from the Boston Police Department created to review and investigate complaints of police misconduct and Boston Police Department's Internal Affairs investigations and recommend disciplinary actions and applicable changes to the Department's policies, procedures, and practices.

2-16.2 Definitions

The following words and phrases as used in this Ordinance have the following meanings:

“Any member of the public” shall have the broadest possible meaning and interpretation.

“Board” shall refer to the member(s), individually and collectively, of the City of Boston’s Civilian Review Board.

“Board Staff” shall refer to Board employees who receive compensation other than members of the Board.

“BPD” shall refer to the Boston Police Department.

“BPD Designated Contact” shall refer to the person(s) the BPD has designated as responsible for receiving Board correspondence, including but not limited to complaints and Notices of Allegations.

“BPD Staff” shall refer to non-officer BPD employees.

“Internal Affairs” shall refer to the office within BPD responsible for conducting internal investigations.

“Investigation Report” shall refer to the report the Board submits following the Board’s independent investigation of a complaint in the first instance as outlined in Section 2-16.9 (4) of this Ordinance.

“Investigation Review” shall refer to the Board’s review of completed Internal Affairs investigations for thoroughness and fairness as outlined in Section 2-16.10 of this Ordinance.

“Investigation Review Report” shall refer to the report the Board submits following its Investigation Review as outlined in Section 2-16.10 (4) of this Ordinance.

“Notice of Allegations” shall refer to a summary of the complaint the Board provides to the complainant, the BPD designated contact, and the Subject Officer as outlined in Section 2-16.7 (4).

“Police Commissioner” shall refer to the BPD police commissioner.

“Ordinance” shall refer to this ordinance establishing the City of Boston Civilian Review Board.

“Subject Officer(s)” shall refer to BPD officer(s) against whom civilians have filed complaints.

2-16.3 Board Structure; Appointment; Qualifications; Vacancies; Removal; Civilian Review Board Employees

1. Appointment

- a. Composition. There is hereby established a Board comprised of eleven (11) members, each being at least eighteen (18) years of age, who represent the diversity of the community and reside in the City of Boston, six (6) of whom shall be nominated by the City Council for Mayoral approval and five (5) of whom shall be appointed by the Mayor. At least one member of the Board shall be a youth delegate, aged 18-21, to represent the voices and lived experiences of young people. Community stakeholders may submit suggested nominees for Board membership to the City Council and Mayor via a process established by the Council and Mayor.

- b. Term. Board members shall serve on a staggered basis whereby Mayoral nominees shall serve for a two-year term and City Council nominees shall serve for a three-year term. Members may serve for additional terms after waiting at least one year after the conclusion of their initial appointment.

2. *Qualifications*

- a. Expertise. In the course of making appointments, due regard must be given to skills and experience in areas relevant to the work of the Board. Areas of skill and expertise that should be represented on the Board as a whole are legal and judicial, civil rights and criminal justice, community and business leadership, law enforcement, mental health, public health, youth development, relevant academic, and lived experiences.
 - b. Impartiality. Nominees shall demonstrate an ability to be fair, impartial, and unbiased; have an ability to build working relationships and communicate effectively with diverse groups; and demonstrate a commitment to the purposes of the Board.
 - c. Limitations. Board members shall not be city employees; be related to city employees or police officers; simultaneously hold public office; contract to provide goods or services to the City; or recommend that the Board work for or with any corporation, partnership, or other entity in which such member has any financial interest.
 - d. Additional Requirements. Members shall:
 - i. As further described in Section 2-16.6 (3), maintain absolute confidentiality with respect to confidential or privileged information they receive, and maintain a thorough knowledge of the legal protection accorded to police records, including the penalties imposed for violations;
 - ii. Obey all laws respecting individuals' rights of privacy and confidentiality of records;
 - iii. Excuse themselves from participating in the review of any complaint in which they have a personal, professional, or financial conflict of interest; and,
 - iv. Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of the Board, and refrain from making any prejudicial comments with respect to the Board, complainants, or police officers.
3. *Vacancies.* Vacancies shall be filled in accordance with Section 2-16.3 (1) and (2). The appropriate nominating party shall submit, in writing, names of those individuals to be considered for membership at least sixty (60) days prior to the expiration of the term of any member.
 4. *Removal.* Board members may be removed from office by the Mayor prior to the normal expiration of their term upon a finding by the City Council and Mayor of consistent failures to perform Board member duties or acting in contravention of the Board's purposes.
 5. *Civilian Review Board Employees*
 - a. To conduct its work, an office shall be established to support the clerical and administrative responsibilities of the Board and its members and the office shall be headed by an Executive Director ("Director"), an attorney with significant related

experience and a demonstrated history of working with individuals of diverse, ethnic, cultural and socioeconomic backgrounds. The Director will oversee the Board's budget and operations, supervise employees, liaison with the police department, and coordinate the activities of the Board. The City shall provide the Director with administrative support and sufficient budgetary flexibility to staff the Board in a manner that ensures provision of services to the community in a timely and professional manner. Hiring authority for Board staff shall rest with the Director and shall include, at a minimum, the following:

- i. An Information Specialist to enhance the Board's smart communication capabilities and to help streamline the complaint intake process between the Board and its various satellite intake centers;
 - ii. An Interpretive Services Specialist to connect the Board with Boston's numerous diverse communities and ensure that language does not create a barrier to accessing the Board's services;
 - iii. At least two (2) Complaint Analysts with legal or similar training and experience to assist the Director in generating periodic public reports and to facilitate the process of communicating board decisions and inquiries to the police department; and
 - iv. At least two (2) Staff Investigators with significant investigatory training who will assist the Board in investigations including with respect to interviewing sworn officers.
- b. The City shall also consider including a Mediation Specialist to coordinate and supervise the flow of Board complaint investigations to the police department's mediation program.
 - c. To maintain actual and perceived independence, the Board must be located outside of the police department. The City shall provide suitable office facilities for the Director and staff in a location convenient for the public. If the City determines that City Hall is the best location for the Board, a process shall be established that would permit complaints to be received in other city buildings including but not limited to libraries, youth centers, and centers of worship.

2-16.4 Training

1. *BPD Training of Board.* Upon appointment to the Board, each Board member shall attend a three (3) to four (4) day training by the BPD, tailored specifically for Board members, that shall include the following, but not be limited to: all policies, protocols, and practices for arrests, bookings, special investigation units, internal affairs, officer-involved shootings, use of force policies, training policies and Academy, crisis intervention teams, firearms, explosives, and SWAT.
2. *Additional Board Training.* Each Board member and Board staff will undergo annual training necessary to fulfill the responsibilities set forth herein, including, but not limited to: specific allegations and complaints that are the subject of the Board's oversight responsibilities; unconscious bias, anti-racist and racial equity training including Boston-specific historical context; community organization and outreach; and other relevant diversity and inclusion initiatives. Upon appointment, Board members shall attend: (a) training provided by outside legal counsel including the Attorney General's office and/or a relevant bar association on the

issues of abusive language, false arrest, false imprisonment, harassment, use of excessive force, and serious bodily injury; (b) training in civilian oversight through the National Association for Civilian Oversight of Law Enforcement (NACOLE) or equivalent programs that meet NACOLE's recommended training for board and commission members; and (c) any additional training the Board determines to be relevant.

3. *Training Costs.* The costs of such trainings shall be set forth in the Board's budget proposal as required in Section 2-16.3 (5)(a) of this Ordinance. The Board shall adopt a policy as to training at the outset of its operation, and shall update such policy annually, or more frequently as the Board deems necessary or appropriate.
4. *BPD Manual; Board Procedures.* All BPD police officers and BPD staff will receive an explanation of the Board's existence, purpose, and procedures, which will be included in a bulletin or manual of rules and procedures. Such explanation will be included in a training program whether in connection with existing training programs or in an additional program to be created by BPD in partnership with the Board.

2-16.5 Budget

Upon inauguration the Board will have up to sixty (60) days to recommend standard operating procedures and propose budgetary requirements for Mayoral and Council approval. The Board must solicit and consider public input and testimony over a dedicated time period.

2-16.6 Powers and Duties

1. *Board Powers.* The Board shall have the power to:
 - a. Receive, investigate, and make recommendations regarding civilian complaints concerning BPD officer conduct as defined in Section 2-16.9 (1) of this Ordinance;
 - b. Review and make recommendations regarding completed Internal Affairs civilian complaints concerning BPD officer conduct as defined in Section 2-16.10 (1) of this Ordinance;
 - c. Review and make recommendations regarding BPD policies and procedures as defined in Section 2-16.11 of this Ordinance;
 - d. Report regularly on its activities as defined in Sections 2-16.2 (4)-(8); and
 - e. Act in any other manner consistent with this Ordinance.
2. *Cooperation with Investigations and Investigation Reviews.* All City officials and departments shall fully cooperate with the provisions of this Ordinance.
3. *Confidentiality.* The Board and its members shall not make public any confidential police document, or information derived from any such confidential police document. Further, unless otherwise consented to, neither the identity of, nor personally identifiable information about, complainants or witnesses shall be released beyond the Board members, Board staff, and BPD staff engaged in the specific investigation of an allegation. The findings of the Board as they may relate to conclusions drawn from interviews, study, and review of documents, shall remain confidential until the Board officially releases such findings.

2-16.7 Complaint Process and Procedures

1. *Filing a Complaint*

- a. Complaints concerning police conduct shall be filed with the BPD or the Board. The Board may also designate one or more locations for the submission of complaints. One or more of those locations must accept complaints outside of normal business hours (9 a.m. to 5 p.m.) on at least two days per week.
 - b. Complaints shall be submitted in writing using a specific form and can be submitted electronically as approved by the Board for that purpose and shall be signed by the complainant. Complaint forms shall be made available in compliance with the City's Language and Communications Access Ordinance, and in any other language upon request, and shall be available in City buildings and online.
 - c. In the event that a complaint is submitted to the Board, either in-person or electronically, the Board shall forward a copy of the complaint to the BPD Designated Contact within two (2) business days of receipt of the complaint. In the event a complaint is submitted to the BPD, the BPD shall forward a copy of the complaint to the Board within two (2) business days of the receipt of the complaint.
 - d. The Board shall consider how complaints might be filed via the City of Boston's 311 system.
 - e. The Board shall consider how complaints might be filed on behalf of someone else who otherwise may not feel safe filing a formal complaint.
2. *Filing Deadlines.* Complaints must be filed within six (6) months of the date of the incident giving rise to the complaint. Complaints filed after six (6) months of the alleged misconduct may, however, be accepted and reviewed by the Board at the Board's discretion and upon a 2/3 majority vote of its eleven (11) members. The filing period may be tolled in the event that a complainant is incapacitated or otherwise prevented from filing a complaint.
 3. *Sufficiency of Complaint.* Complaints must allege facts that, if true, would establish that misconduct occurred. Complaints that do not allege *prima facie* misconduct, or are frivolous or retaliatory, shall be reported as such to the complainant and the Subject Officer with the issuance of the Notice of Allegations.
 4. *Notice Following Receipt of Complaints*
 - a. Notice of Receipt. The Board shall notify a complainant that it has received the complaint within ten (10) business days of receiving any such complaint. The Board's response shall indicate whether, in the exercise of its discretion, the Board shall study the allegations made, not study them, or request additional information to enable it to make a decision on its options. This notice shall also notify the complainant of the City's mediation program established and outlined in Section 2-16.8 of this Ordinance. Should the Board choose not to study the allegations made, the receipt shall include reasons why and information about alternative resources. The receipt shall be delivered in the language in which the initial complaint was written.
 - b. Notice of Allegations. The Board shall prepare a Notice of Allegations within twenty (20) business days of the date a complaint is received. The Board shall send the Notice of Allegations in hard copy and, if applicable, electronically, to the complainant, the designated BPD contact, and, by delivery to the BPD, each Subject Officer. Board staff shall maintain a central register of all complaints filed.
5. *Right to Representation*

- a. Complainants and Subject Officers have the right to consult with and be represented by an attorney or other representative. If the Board is notified that a complainant or officer is represented by an attorney, the Board shall thereafter send copies of any materials and notifications provided to the complainant or Subject Officer to their respective attorneys.
- b. The Board shall provide an interpreter if needed by the complainant upon reasonable request or allow the complainant to be accompanied by an interpreter of their choice.

2-16.8 Mediation

1. Upon filing a complaint, in addition to the information described above, complainants will receive information about the option to mediate. The complainant may elect to enter into mediation until the Board issues notice of the hearing. The Board will make every effort to ensure complainants understand the mediation process.
2. If the complainant elects mediation, the Board shall provide the Subject Officer with a copy of the complaint, if not previously provided, and notify them of the complainant's election within five (5) business days. Upon receiving notification of the complainants' decision to mediate, the Subject Officer shall notify the Board within ten (10) days if they agree to participate in mediation. An officer who agrees to mediation must agree to toll the City's 120-day disciplinary deadline should the officer withdraw from mediation before it concludes.
3. Once both parties agree to mediate, the complaint may not proceed with a formal review unless the Subject Officer withdraws from mediation.

2-16.9 Investigations

1. *Authority*
 - a. Authority to Investigate Complaints. The Board shall have the power to receive, investigate, hear, make findings, and recommend action regarding complaints by members of the public (including, but not limited to complaints made by other police officers or personnel) against uniformed and sworn personnel of the BPD that allege misconduct involving inappropriate behavior or actions, including but not limited to: excessive use of force; abuse of authority; unlawful arrest; unlawful stop; unlawful searches; perjury; discourtesy or use of offensive language, including, but not limited to slurs relating to race, expression, sexual orientation, and disability; theft; and any other categories deemed appropriate by the Police Commissioner.
 - b. Other Grounds for Initiating Investigation. In any case where there is no complainant able to initiate a complaint, including but not limited to any case where a sworn officer or other BPD employee is involved in a death, 2/3 of the eleven (11) members of the Board may vote to authorize an investigation or take such other action they deem appropriate.
2. *Timeline for Concluding Investigations.* The Board shall use its best efforts to conclude its investigation within one hundred (100) days of receipt of complaint. Should the Board fail to resolve its investigation within one hundred (100) days of receipt of complaint, the Board shall inform the Police Commissioner of the reasons therefore and transmit information and evidence from the investigations as shall facilitate the Police Commissioner's timely consideration of the matter. In any event, the investigation must be completed within one (1) year. If the investigation is not completed within one (1) year, the Board shall notify the Mayor and City

Council. If an exception to the one-year limitation period applies, the Board shall state the reason.

3. *Collecting Evidence in Support of Investigations*

a. Interviews

- i. The Board may interview any complainant or witness.
- ii. Any recordings of interviews shall be kept for five (5) years or to the extent required under applicable law, whichever is later.
- iii. Interviews should be conducted in a manner that will minimize inconvenience and embarrassment to all parties. When possible, BPD employees should not be contacted at home, and non-BPD parties should not be contacted at their places of employment.
- iv. The Board shall notify interviewees five (5) business days before a scheduled interview date by providing hard copy and, when feasible, electronic mail notification. All other interviewees, including any BPD member who is a witness in a complaint investigation, complainant, or other witness, shall receive up to five (5) business days' notice to confer with their representatives. An interviewee who is unavailable for an interview shall contact the Board immediately to state the reason for their unavailability and reschedule the interview within a reasonable amount of time.
- v. All interviewees may be accompanied by up to two (2) individuals acting as their representative, including counsel. Such counsel or representative may advise the interviewee as circumstances warrant, but may not otherwise participate in the proceeding.
- vi. The Board shall provide interpreters for interviewees upon reasonable request.
- vii. The Board shall make reasonable accommodations for persons with disabilities who are participating in an interview.
- viii. If the complainant or Subject Officer is the subject of criminal proceedings related to the matter of the complaint, the Board shall not undertake an investigation until the criminal matter has been adjudicated or dismissed. All time limitations applicable to the processing of complaints shall be tolled during the pendency of any such criminal proceedings. Within one (1) week of the filing of the complaint, or as soon thereafter as possible, the Board shall determine the status and anticipated resolution of the criminal proceedings by communicating, in writing, directly with the District Attorney's Office.

b. Documentary and Other Evidence. The Board may make written or oral request for documents necessary to investigating complaints, including, but not limited to, the following:

- i. Police paperwork (e.g., police documents and other paperwork produced by the department and corrections for the purpose of investigating suspects or to aid in their prosecution); citizen complaints and determinations pursuant thereto; department and corrections review files; ethics and accountability files; and the files of any other internal investigative agency charged with investigating police misconduct incidents;

- ii. Information related to past assignments and disciplinary action;
 - iii. Police and corrections directives, and other police documents that the board deems relevant to issue under review;
 - iv. All general summaries, statistical compilations, and other internal reports on shootings, injuries, and complaints of abuse, training, and any other issues related to the work of the Board.
- c. Field Visits. The Board may make field visits for purposes such as examining the site of the alleged misconduct and interviewing witnesses.
- d. Subpoena Power. In the event Board requests for documentary, testimonial, or other relevant evidence are not complied with, the Board may issue subpoenas *ad testificandum* and *duces tecum* to the extent permitted by law upon a 2/3 vote of the eleven (11) member Board as may be relevant to investigate or study or review matters within the Board's authority and discretion, including, but not limited to investigating complaints filed with the Board, Investigation Reviews, and reviews of BPD policies and trainings.
- e. Hearings. The Board may hold hearings related to complaint investigations. Hearings shall be informal and strict rules of evidence shall not apply. The Board will receive testimony under oath from all persons who appear and purport to have information material to the complaint. The Board shall keep a record of any hearing, and upon request and payment of costs, make such record available to the requestor.
- f. Tolling. In the event that an investigation is tolled, the Police Commissioner shall take appropriate steps to preserve (i) the original communications including written, records of oral communications, tapes relevant to the complaint; (ii) all police reports, records, and documentation; and (iii) the names, addresses, telephone numbers, and statements of all witnesses.
- g. Limitations on Power to Collect Evidence. Nothing herein shall alter police officers' rights as established in standing orders or collective negotiation contracts with respect to interviews, including, but not limited to, right to notice of an interview, right to counsel, and the right not to be compelled to incriminate oneself.

4. *Board Recommendations Following Investigation*

- a. Investigation Report. Upon concluding its investigation of a complaint, the Board shall provide to the Police Commissioner a confidential Investigation Report. The Investigation Report shall list the allegations; provide a summary of the complaint; provide the applicable BPD, state, or local rules and regulations; include a copy of the interview transcripts; include the Board's findings of fact; and include the Board's disciplinary recommendation. Upon completion, the Investigation Report shall be provided to the Subject Officer(s), the complainant, any known representatives, the Police Commissioner, and the designated BPD representative. Absent clear error, the Police Commissioner shall accept the Board's findings of fact.
- b. Disciplinary Recommendations. The Board shall also make disciplinary decisions based on the Board's findings of fact and consistent with a matrix and guidelines established by the board to recommend discipline for outcomes resulting from investigations and complaints filed with the Board and/or the BPD. The discipline matrix and guidelines shall act as safeguards to ensure the consistent application of

discipline and should include aggravating and mitigating factors. The discipline matrix and guidelines should be developed by the Police Commissioner and affected bargaining units, in consultation with the Board. Absent clear error, the Police Commissioner shall make all disciplinary decisions based on the Board's findings of fact and consistent with the matrix and guidelines.

- c. Voting. Any findings and conclusions of the Board will be made by 2/3 vote of the full eleven (11) member Board and voting by board members will be conducted in public. Said findings will be provided to the Mayor, the City Council, and the Police Commissioner within a period of three (3) business days from the date of the vote.
- d. Supplementary Information. The Police Commissioner may ask the Board for additional investigative or background information in development of the record to enable them to make a final disciplinary determination.
- e. Clear Error. Clear error exists when the Board's findings of fact are based upon obvious and indisputable errors that no reasonable interpretation of the evidence can support. If the Police Commissioner finds clear error in the Board's findings of fact or intends to impose discipline less severe than the Board recommends, the Police Commissioner shall notify the Board in writing prior to imposing such discipline. Such written notice shall include a detailed explanation of the reasons for deviating from the Board's recommendation or findings of fact, including but not limited to each factor the Police Commissioner considered in making their decision. The Board may then request that the Police Commissioner appear in person before the Board for further explanation or to address questions from the Board.
- f. Basis for Reports of Investigation and Recommendations. No Board finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the sole basis for any such finding or recommendation.

5. *Interaction with Other Duties and Rights*

- a. Police Commission Duties. The provisions of this Ordinance shall not limit or impair the Police Commissioner's responsibility and authority to discipline BPD members, investigate citizen complaints or incidents involving uniformed and sworn BPD members, or promptly inform the Board of all such complaints or incidents.
- b. BPD Member Rights. The provisions of this section shall not limit the rights of BPD members with respect to disciplinary action established by any provision of law or otherwise, including, but not limited to, the right to notice and a hearing.

2-16.10 Investigation Reviews

1. *Authority.* Upon referral by the Police Commissioner; referral by the City Council; or at the conclusion of any Internal Affairs' investigation into BPD member conduct that BPD policies and procedures automatically trigger, including but not limited to in-custody death or serious bodily injury while in BPD custody, the Board shall have the power to review Internal Affairs investigation findings and conclusions. The Board shall report the findings of its Investigation Review to the Police Commissioner, City Council, Subject Officer, and BPD Designated Contact. The Board's jurisdiction to investigate complaints or behavior shall be concurrent with the BPD's jurisdiction to do the same.

2. *Timeline of Investigation Review*

- a. Initiation of Review. The Board shall confirm its receipt of and intent to review completed Internal Affairs investigations referred to the Board by the City Council, Police Commissioner, or BPD within five (5) business days of receiving the Internal Affairs complaint file.
- b. Conclusion. The Board shall use its best efforts to conclude its Investigation Review within sixty (60) days. Should the Board fail to conclude its Investigation Review within sixty (60) days, the Board shall return the investigation review file to the BPD for disposition of the matter or the Board must advise the BPD, the referring entity, and the Subject Officer in writing of the reason for the delay in rendering its finding. In the event that the Board fails to render findings within one hundred twenty (120) days of its receipt of the preliminary report, the Police Commissioner shall issue the final disposition of the complaint.

3. *Evidence Available for Review.* Board shall have access to all materials contained in the completed internal affairs files subject to review, except those documents protected from release by statute. The Board shall also have the power to collect evidence consistent with Section 2-16.9 (3) of this Ordinance.

4. *Board Recommendations Following Investigation Review*

- a. Investigation Review Report. Upon completing its Investigation Review, the Board shall provide to the Police Commissioner an Investigation Review Report reflecting the results of Investigation Review that lists a summary of the factors leading to the original Internal Affairs investigation and the reasons for the referral; provides the applicable BPD, state, or local rules and regulations; includes a copy of any interview transcripts; the Board's Review Findings; and the Board's disciplinary recommendation. The Board shall include all relevant forms, memoranda, and background information to assist the Police Commissioner in making a final disciplinary determination. Upon completion, the Investigation Review Report shall be provided to the Subject Officer(s)' whose alleged act or acts were under investigation, the referring entity, any known representatives and the Police Commissioner, and the designated BPD representative.
- b. Review Findings. The Board shall, after review and deliberation of an investigation, make one of the following findings on the case:
 - i. Sustained – sufficient facts were disclosed during the investigation process that prove the allegations made in the complaint.
 - ii. Not Sustained – the investigation process fails to disclose sufficient facts to prove or disprove the allegations made in the complaint.
 - iii. Exonerated – the investigation reveals that the acts alleged occurred and that such acts were consistent with BPD policy.
 - iv. Unfounded – the investigation reveals that the act or acts alleged did not occur.
 - v. Ineffective Policy or Training – the investigation reveals that the matter does not involve guilt, but that a new policy or trainings would adequately address the conduct.
 - vi. No Finding – where the complainant failed to produce information to further the investigation, where the investigation reveals that another agency is responsible

and the complaint has been referred to that agency, where the complainant is unavailable to clarify the complaint.

- c. Voting. Any findings and conclusions of the Board will be made by 2/3 vote of the full eleven (11) member Board, and voting by board members will be conducted in public. Said findings will be provided to the Mayor, the City Council, and the Police Commissioner within a period of three (3) business days from the date of the vote.
- d. Basis for Investigation Review and Recommendations. No Board finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the sole basis for any such finding or recommendation.

2-16.11 Review of Policies

1. *BPD Policies*. The Board shall have the power and authority to consider and make recommendations with regard to policies and procedures concerning the general investigation of complaints by the BPD as well as any internal affair procedures.
2. *Internal Policies*. The Board shall review the policies and procedures contained within this Ordinance on no less than an annual basis for the purpose of recommending and adopting updates to internal procedures, administrative processes, and best practices. The Board shall publish its recommendations, if any, on the City of Boston's public website. Any hearing regarding such annual review of Board policies will be open to the public.

2-16.12 Meetings; Public Reporting

1. *Annual Board Meeting*. The Board will hold an organizational meeting in January each year to elect officers and adopt, promulgate, or amend such bylaws, rules, and regulations as are deemed necessary or convenient to conduct the Board's affairs.
2. *General Meetings of the Board*. The full Board shall meet at least one time each month where it shall consider cases referred to it and conduct any other business.
3. *Quorum*. Nine (9) members of the Board shall constitute a quorum for each board meeting.
4. *Public Meetings*. The Board shall hold public meetings on a quarterly basis and shall regularly report to the public on its activities and other policing information it determines to be in the public interest. The Board shall adopt rules and procedures to delineate its public reporting requirements.
 - a. At such meetings, the Board shall provide a public report on Board activities for the quarter, without disclosing personally identifiable information, including but not limited to:
 - i. The disposition of cases referred to Board;
 - ii. The disposition of cases in which the Board recommended discipline, and what discipline, if any;
 - iii. The number of complaints received, the type of misconduct alleged in those complaints, and the investigatory status of those complaints;
 - iv. The race, ethnicity, gender, sexual orientation [if known] and age of the complainants;

- v. Any practices or policy investigations ongoing or completed, as well as any policy recommendations made pursuant to the Board's authority to investigate practices or patterns of behavior and BPD policies;
 - vi. Efforts to promote the Board's function, availability, and processes to the public.
 - b. The Board shall include a public comment period at each public meeting, during which members of the public may address the Board on issues relevant to the Board's jurisdiction.
 - c. The minutes of each public Board meeting will be posted on the City of Boston's public website within a reasonable time following such meeting.
- 5. *City Council; Mayor.* The Board shall meet with members of the City Council and the Mayor on a semi-annual basis, or more frequently at the request of the Board, City Council, or the Mayor, to discuss all topics relevant to the jurisdiction of the Board. The minutes of each meeting will be posted on the City of Boston's public website within a reasonable time following such meeting.
- 6. *Semi-Annual Report.* The Board shall additionally submit a semi-annual report of the Investigation Reviews to the Mayor, the Police Commissioner, and City Council.
- 7. *Public Reporting of Board Complaints.* The Board shall publish on the City of Boston's public website on a monthly basis and in a disaggregated manner to protect personally identifiable information:
 - a. The number of complaints it receives;
 - b. The race, ethnicity, gender, sexual orientation [if known] and age of the complainants;
 - c. The precincts and neighborhoods in which the misconduct is alleged to have taken place;
 - d. The basic facts of complaints (with personally identifiable information redacted);
 - e. The disposition of each complaint;
 - f. The recommended discipline, if any, for each complaint;
 - g. The discipline issued, if any, for each complaint;
 - h. Any other information the Board shall determine is relevant or appropriate to carry out its duties and responsibilities.
- 8. *Public Reporting of BPD Statistics.* The Board shall request from the BPD and publish on its public website on a monthly basis, in accordance with an in conformance with all applicable governing laws, rules and regulations:
 - a. The number of stops made by BPD officers during the previous period, including such disaggregated data that the Board may deem relevant;
 - b. The number of use of force incidents by the BPD during the previous period, including such disaggregated data that the Board may deem relevant;
 - c. The number of arrests made during the previous period, including such disaggregated data that the Board may deem relevant; and
 - d. The amount of money the City of Boston expended in settlements or judgments to resolve tort, civil rights, or other legal claims filed against the BPD, as well as the basic

facts associated with those claims to the extent permitted by law or not otherwise restricted from disclosure.

9. *Annual Report.* The Board shall publish an annual report, available on the City of Boston's public website, compiling statistics requested from the BPD described above and identifying significant trends, patterns, areas of concern, or areas of success, within the BPD's practices. Information will be made available in other languages upon request.

SECTION 2. The provisions of this ordinance are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

SECTION 3. The provisions of this ordinance shall take effect within sixty (60) days of passage.

Filed on: July 14, 2020