



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

FY22 Annual Report August 4, 2022

The Honorable Michelle Wu
Mayor, City of Boston
One City Hall Square, Suite 550
Boston, MA 02201

Dear Mayor Wu,

The Office of Police Accountability and Transparency (OPAT) is pleased to present our annual report for fiscal year 2022. Building off of the December 31, 2021 Semi-Annual report, this report will illustrate OPAT's continued efforts in building the foundation of our department while increasing our presence and impact in the City of Boston, in pursuit of our mission to enhance accountability and transparency in the Boston Police Department (BPD).

SUMMARY

The City of Boston's Office of Police Accountability and Transparency is an independent department with a mission to investigate complaints of police misconduct, ensure that the Boston Police Department's internal affairs review process is fair and thorough, and to review the Boston Police Department's existing and proposed policies and procedures. The purpose of OPAT is to provide a single point of entry for individuals with concerns or complaints related to the Boston Police Department and its officers and sworn personnel to be heard and responded to, and to provide the staffing and legal authority necessary to support the work of OPAT and its related advisory boards and panels to undertake independent investigation and review of policing in Boston. This report will highlight the work of our boards and the impacts on recent Boston Police Department's policies. This report will provide a glance ahead as OPAT prepares to expand its reach into the community and its impact on BPD's structure, including a review of BPD's existing and proposed policies and procedures and collaborative community engagement.

OPAT's work is mandated by the Ordinance Creating the Office of Police Accountability and Transparency (the "Ordinance"). The Ordinance provides very specific guidelines for the work of OPAT staff and Boards and was used to create the framework upon which OPAT operates. The Ordinance centers on BPD only, however, Year One proved that OPAT was needed in spaces that are not specifically detailed or mandated in the Ordinance. The passage of the state law, An

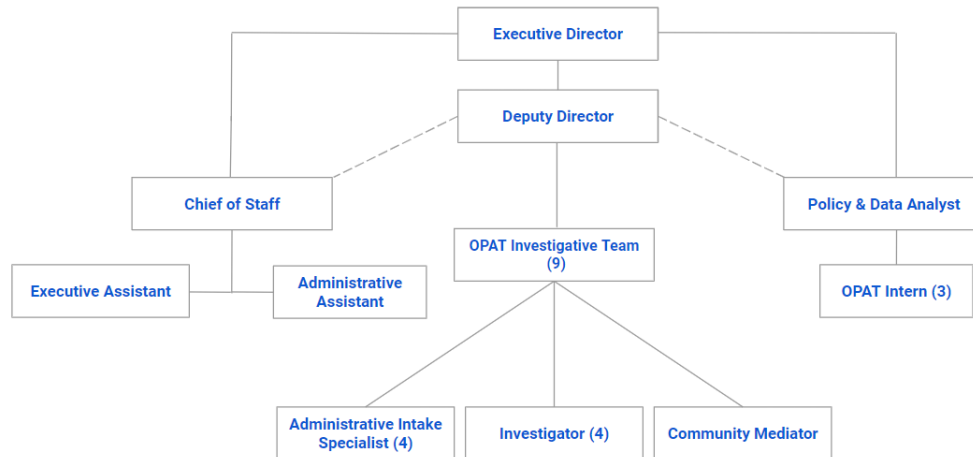
Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth (the "Act"), at the same time as the Ordinance presented changes to the way policing was to happen across the Commonwealth that were not considered at the time the Ordinance was created. In addition, there were areas not addressed in the Ordinance or the Act that still need to be addressed in order for the work to be impactful and get to the core of the changes the City Council, State Legislature, and more importantly, the community were seeking, mainly trust.

In its first year, OPAT's focus was multi-layered, primarily centered on staff build out, a review of BPD policies and practices, board development, and community engagement. These priorities were anchored around building trust within communities that are often underserved and underrepresented, but also heavily overpoliced, by building working relationships within BPD Command Staff to better serve these communities. To achieve these goals required commitment and intentionality from OPAT staff, the Mayor's Administration, BPD Command staff and members of the community to ensure that the work of OPAT would be meaningful, impactful and allowed to serve its true purpose.

Moving into Year Two, OPAT will continue the foundational work of relationship building within the community and BPD by diving deeper into BPD policy issues, educating the community about the services provided by OPAT and the structure of BPD. This will include taking a deeper dive into the hiring, retention and promotion of Black, Indigenous, People of Color (BIPOC) personnel at BPD in order to ensure equal opportunities for all candidates entering and existing employees within the department. OPAT understands that police misconduct and inequitable policies have systemic results impacting entire families and communities. Those impacts result in economic disparities in BIPOC households and lack of access to career opportunities . Although not mandated by Ordinance, OPAT knew that it had an obligation to address these impacts that would be felt for generations to come

OPAT STAFF ONBOARDING

Office of Police Accountability and Transparency (OPAT) Organizational Chart



Police Accountability
and Transparency

Essential to the success of OPAT was the onboarding of 9 individuals committed to social justice work and our community. The initial OPAT budget was \$1,000,000.00 and included funding for roles suggested in the Ordinance including a Deputy Director and Investigators, however, it became evident during the first 7 months as a sole staff member of OPAT, that other roles would need to be created. During those 7 months the mission of OPAT was being solidified and expanded and the work was being done including completing and starting investigations, accepting new complaints, creating temporary complaint structures, responding to media requests, securing a permanent office location, and building working relationships with the Administration and BPD. In the FY 22 Budget, OPAT was able to increase the budget by \$300,000.00 to expand the staff to include 4 Administrative Intake Specialists and a Policy Data Analyst positions. The Administrative Intake Specialists not only fill a need in OPAT, they also address a need in the community. The positions are frequently referred to as the Community seats and are entry level positions requiring a high school diploma or equivalent and a salary range purposely set to address income disparities in Boston.

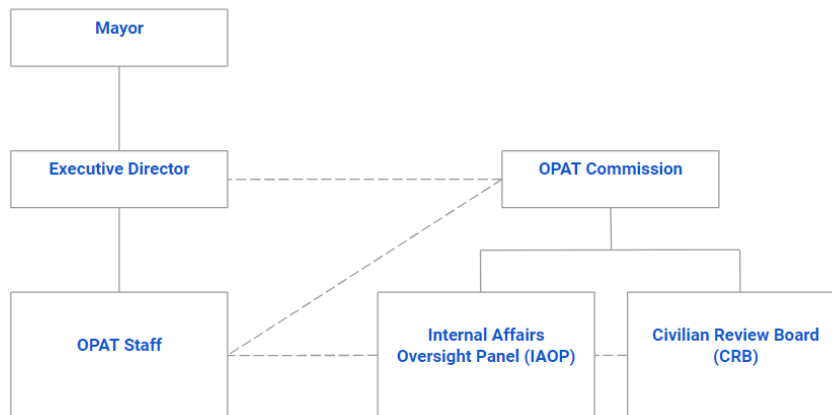
In September 2021, the Deputy Director, Chief of Staff and Executive Assistant were identified and onboarded, remotely. In November 2021, an Administrative Assistant was onboarded followed by 2 Investigators and an Intake Specialist in January 2022. After a brief pause on hiring while our physical office space was being finalized, we were able to onboard a new Chief of Staff, Policy and Data Analyst Specialist and a 2nd Intake Specialist. At the time of this report, our Department is in the process of interviewing for 2 additional Intake Specialists, 2 additional Investigators and through and with the FY 23 Budget Investment, was able to secure a new position for a Community Mediator.

Additionally, I would like to highlight the following accomplishments:

- Key staff members received CJIS (Criminal Justice Information Services) certification;
- Moved into Nubian Square office space at 2201 Washington St and procured required furniture and technology to accommodate the work of OPAT staff and our boards' work;
- Grew from a department of 1 upon my appointment as Executive Director to a department of 10 as of this report;
- Launched OPAT website which included our online intake form;
- Worked with the City Analytics team to produce OPAT's public-facing complainant demographics dashboard as required by ordinance which is updated monthly;
- Developed and administered a mandatory OPAT board member training at our office in Nubian Square;
- Completed annual meetings with each member of the Boston City Council;
- Participated for the first time in Youth Engagement and Employment's Youth Jobs program.

OPAT BOARDS

Office of Police Accountability and Transparency (OPAT) Departmental Structure



Police Accountability
and Transparency

The work of all of the Boards serves as the connection between the community at large, OPAT staff and BPD. The OPAT Boards consist of three panels/boards:

- The Office of Police Accountability and Transparency Commission (the OPAT Commission), charged with information and updating the community about the work of OPAT, and being informed by the community on matters of police transparency, BPD policies and procedures, and other matters of policing in Boston;

- the Civilian Review Board (CRB), with the primary responsibility of reviewing and investigating certain complaints against the Boston Police Department and its employees;
- and the Internal Affairs Oversight Panel (IAOP), responsible for the review of completed investigations of BPD's Internal Affairs Division.

On January 27, 2022, OPAT's boards achieved full membership with the appointment of members to both the nine-member CRB and the five-member IAOP. The Chairs of the CRB and IAOP also serve as Commissioners on the third of our boards, the OPAT Commission.

As governed by the OPAT Ordinance, all 14 Board Members participated in BPD-led training in November 2021 and February 2022. These training sessions were held at the BPD Training Academy and topics included BPD Rules & Regulations, Constitutional Law, Use of Force, Investigations at IAD, Presumptions of Innocence, Preponderance of the Evidence, Firearm Simulations, Body Cameras Use and Crisis Intervention. In addition, Board Members also participated in a half-day Board Retreat hosted by OPAT staff to learn more about their role and expectations. The retreat included training on social media, conflict of interest, guest speakers from the Cambridge Civilian Review Board and a former member of the City of Boston's Community Ombudsman Oversight Panel (CO-OP).

The OPAT Commission held its first meeting in October 2021 and has held 4 meetings since in February, April, June and July 2022. The OPAT Commission has made established central priorities of assessing regulations, setting investigation timelines, setting 2022 CRB and IAOP meetings dates, and establishing in-person meeting and remote participation standards.

The CRB (May) and IAOP (April, June) have also held multiple meetings so far in 2022. We have held the second round of BPD trainings for OPAT's investigative team as well as remaining IAOP and CRB board members at the BPD Training Academy. All meetings are open to the public and our meeting calendar for the foreseeable future has been established.

❖ *CRB Complaint Recommendations*

As of the publishing of this report, OPAT has received a variety of complaints from members of the public regarding allegations of police misconduct. The complainant demographics and incident areas vary widely, and the department is making every effort to capture all information required by our ordinance in the receipt of these complaints via online, telephone, paper, and in-person submissions.

Since our Semi-Annual report was published in December, we have witnessed a certain number of challenges as it relates to accurately capturing information for complaints received, as well as interacting with the complainants themselves. Submissions through our online complaint form as well as efforts over the phone and in-person receiving complaints limit us in terms of what information the complainant is willing to provide regarding the alleged incident. Occasionally, complainants will file complaints with incomplete information either regarding the officer named

in said complaint or the basic facts of the alleged incident. A complainant's willingness to provide this information can often be determinative of whether the case is able to be moved forward for investigation or not. In each instance, OPAT staff make every effort to obtain this information before making the determination that a case cannot move forward due to insufficient information.

Another issue that can arise during the complaint process is the complainant ceasing contact with our department. If a complaint is incomplete and OPAT staff reach out the complainant to obtain the required information but are unable to make contact, an internal process is begun which includes attempted contact by phone (if provided during intake), email (if provided during intake), and posted mail to the address on file (if provided during intake). Complainants also have the opportunity to request that OPAT cease looking into any case. In either of these instances, the case will not move forward with the department, but information gathered to that point will remain in our secure files.

Finally, the Massachusetts Peace Officer Standards and Training (POST) Commission recently adopted regulation 550 CMR 1.0 regarding Receiving, Investigating, Hearing, and Adjudicating Complaints Regarding Law Enforcement Officers. These included a provision that requires oversight bodies like OPAT to complete their investigations within a period of 90 days, rather than the one year period laid out by statute. Our department has deep concerns about how this accelerated timeline will negatively impact our ability to be thorough throughout the course of our investigations. Given this, I have raised the issue with members of the POST Commission and hope that these regulations will be revisited at a future date following the first wave of officer recertifications anticipated by POST in June.

❖ *IAOP Reviews*

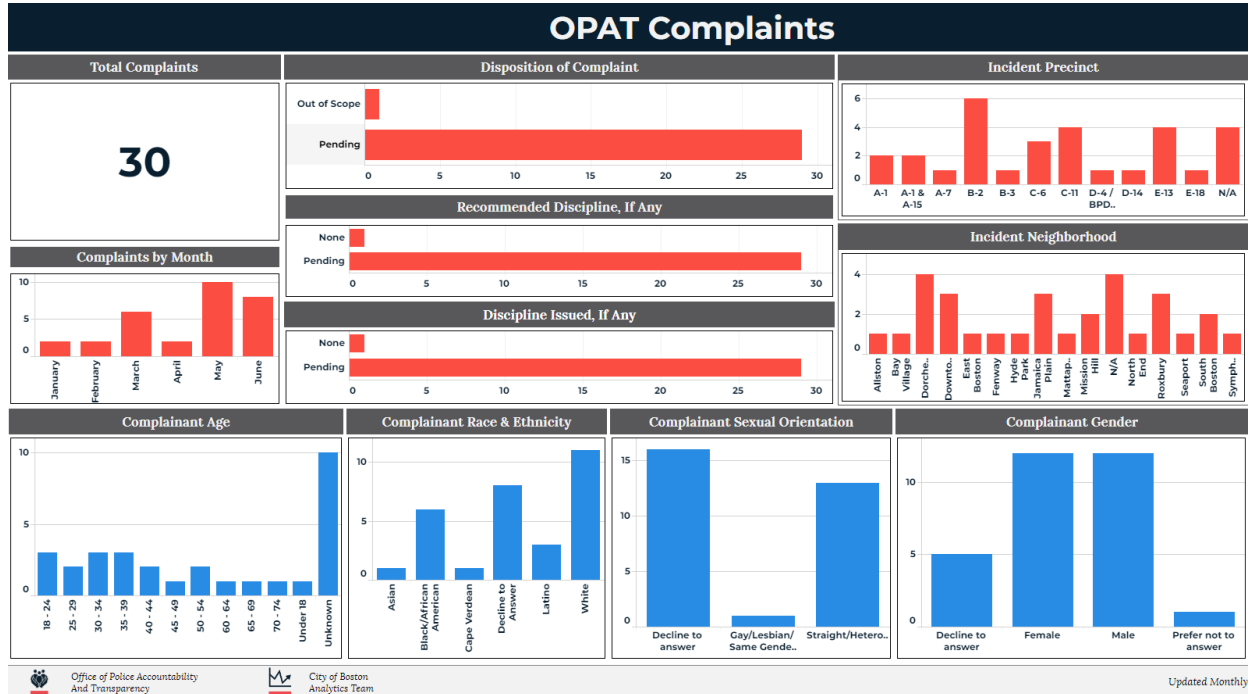
As of the publishing of this report, OPAT has received a variety of appeals of BPD Internal Affairs Division investigation decisions. These appeals include both direct appeals from original complainants as well as a random sample of appeals per the City ordinance. OPAT is currently working through both of these types of appeals, as well as a backlog of those that were referred to the previous iteration of the IAOP, the Community Ombudsman Oversight Panel (CO-OP).

The IAOP itself has undergone training for their roles and it's anticipated that the board will receive their first case summaries and recommendations from OPAT staff at their next meeting on Thursday, July 21.

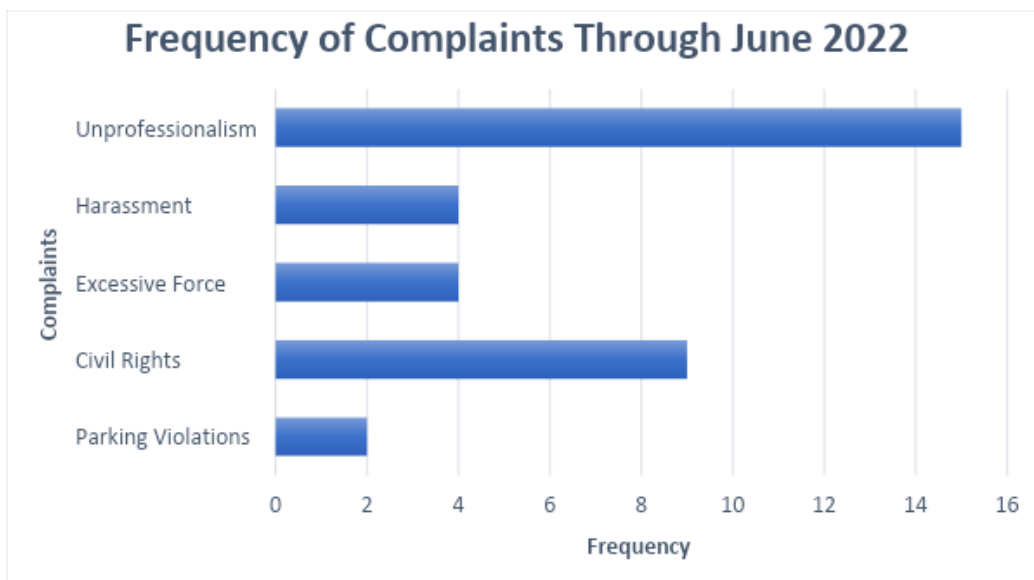
POLICE REFORM POLICY AND DATA

In an effort to both address a requirement within the ordinance establishing OPAT as well as providing the utmost transparency on our work, we established our public-facing complainant data dashboard along with the City Analytics team in February. This dashboard provides key demographic information provided by complainants, as well as incident location by neighborhood, the basic facts of each complaint we receive, and the disposition of each

complaint; all while maintaining the confidentiality of each complainant. The dashboard has allowed us to report out more frequently to the community and enhances our ability to identify issue areas and potential policy reform opportunities. A snapshot of our dashboard can be found below.



In addition to the broad reporting done via the dashboard, we will continue to drill down into this data and look at specific things such as the frequency of each type of complaint found in the graph below. With the onboarding of our Policy and Data Analyst in July, we look forward to continuing to provide more information to the public regarding complaints we receive, as well as our larger reform efforts utilizing the data that we gather.



❖ *Field Interrogation/Observation/Encounter (FIOE) Data and BPD Statistics*

OPAT has worked with the City Analytics team and BPD to identify the limitations that currently exist regarding data gathering as existing and incoming data needs to be digitized, simplified and made readily available on a more frequent basis. For example, FIOE data is currently only able to be released yearly by BPD, leaving any issues borne out by that data uncorrectable for a year at a time. Additionally, with existing FIOE data collection, an individual can be stopped multiple times and assigned a different number each time as far as the blind data is concerned. Focusing solely on this type of collection is problematic and it would be helpful to see this become the same number in instances of repeated stops for an individual to see if this is a targeted stop and if so, why?

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

Another issue with data sharing remains the need for BPD to redact certain documents that the City of Boston Analytics team is not certified to see. With key staff at OPAT getting CJIS certified, it is imperative that this data be viewed by staff, unredacted, and a public version be made available on a monthly basis to allow for transparency and assist with possible policy changes. In January 2022, OPAT began hosting monthly meetings between our department, Equity and Inclusion, the City Analytics team, and BPD to help create a conversation about the improvement of data collection, investments in systems, the creation of data sources, data to be collected, and possible enhanced sharing. With the assistance of our newly onboarded Policy and Data Analyst, we anticipate being able to produce some of these reports in a quicker

fashion, including a potential quarterly community report on this data, while maintaining the integrity of this sensitive and confidential information.

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

❖ *Review of BPD Policies and Procedures*

Shortly after my tenure as Executive Director began, OPAT began convening a sub-group on policy which has included the Mayor's Office; BPD; the Office of Public Safety; Emergency Management; Neighborhood Services; and Equity and Inclusion. This sub-group has been tasked with regularly reviewing and discussing ongoing efforts to achieve the police reform task force recommendations.

Among other highlights, OPAT and this sub-group have worked on the following efforts which have been implemented by the Boston Police Department:

- Creation of a new Diversity, Equity, and Inclusion (DEI) policy, including a DEI Committee tasked with promoting racial equity in the department;
- Updated bias-free policing policy which follows state police reform legislation;
- Expansion of racial equity training;
- Increased retention period for body-worn camera footage;
- Adherence to the City of Boston's ban on biometrics and facial recognition technology

Additionally, on November 3, 2021, BPD issued a revised policy on incidents of domestic violence regarding those involving department employees, Special Order 21-53, Rule 327A. Upon request by OPAT, this policy was amended to mandate that, "BPD personnel alleged to have been involved as a suspect in incidents of domestic violence that constitute a criminal violation of M.G.L. 209A shall be placed on administrative leave immediately while the investigation(s) are underway."

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

Finally, discussions remain ongoing regarding BPD's current policies when responding to Section 12 emergency restraint and hospitalization of persons posing risk or harm due to mental

health issues, as well as their role in Boston Public Schools (BPS) during both emergency and non-emergency situations. On the former, OPAT has convened the Boston Emergency Services Team (BEST), the POST Commission, and BPD to discuss the development of clear use of force guidance for officers when a clinician or doctor has signed a Section 12 and the individual subject to it refuses to cooperate with it. On the latter, OPAT is working with the POST Commission to clarify the role of designated School Resource Officers (SRO) and what those without SRO training are able to do within a Boston Public School setting. Our department looks forward to continuing to work on this issue until there is a resolution most favorable for the outcomes of the residents of Boston.

In addition to policy reforms that have been implemented, I look forward to sharing more in subsequent reports about ongoing reforms such as the BPD disciplinary matrix; the expansion of the body worn camera program to all uniformed officers; and the creation of a Public Records Unit at BPD.

OPAT will continue to engage all stakeholders on these policies and many more, and I am confident that through that continued engagement and commitment between OPAT, BPD, the Mayor's office, and all other partners, this process will be successful and ultimately lead to better outcomes for all involved.

CHALLENGES

Building trust requires consistent communication and is an ongoing effort of OPAT. This will always remain a top priority to OPAT as the work of the department is predicated on the community at large trusting that the department will hold BPD officers accountable for misconduct and that policies that hinder positive relationship building amongst the community are removed and positive working relationships are established. This priority set the tone for the first year and served as the driver for the work product of the accomplishments that were realized in FY22.

This created both opportunities and challenges to the City of Boston and BPD as we tried to navigate between the Ordinance and the state law. Specifically, the state law removed law enforcement from the schools that did not have the proper training and were not invited in by their Superintendent; took away special police powers; and created the POST Commission that oversees all law enforcement agencies and which immediately issued a regulation on use of force. The use of force regulation caused BPD to rewrite its policy on answering mental health calls (MGL Part I, Title XVII, Chapter 123, Section 12). OPAT convened a meeting with the POST Commission and BPD to discuss the Use of Force regulation and the impact on Section 12 calls. The removal of law enforcement from schools resulted in OPAT receiving calls from community members upset over the removal from what they felt was an uptick in school violence prompted by a violent incident involving a Principal being attacked by a student. OPAT convened a meeting with the Mayor's Office, BPS school safety and BPD to respond to the community at large. OPAT has found itself involved in conversations that the Ordinance did not anticipate and sometimes left out of conversations because the Ordinance did not specifically

mandate that OPAT be involved. While there is no easy cure to this problem, OPAT continues to be readily available to work with other departments and state agencies on public safety matters and provide technical assistance and resources.

There are laws in both the Ordinance and the Act that limit who OPAT serves and how we serve, but OPAT has chosen ways to find the solutions to any hindrance through policy creation, collaboration efforts, and other creative solutions with partners in and around the City. We look forward to continuing to propel the work forward, collaboratively with the community and with BPD.

FY23 - CONTINUING THE WORK IN YEAR 2

Looking ahead to FY23, there are a number of top priorities for the department. OPAT was thrilled to advocate for and receive an additional \$165k in the FY23 budget for the department that is largely comprised of three investments. We firmly believe that these investments fulfill Mayor Wu's priorities of Getting the Small Things Right; Moving City Hall out of City Hall; and Embracing the Possibility.

Firstly, this funding will allow the department to conduct a full review of disparate treatment, discipline or termination of BIPOC officers within BPD as required by ordinance. OPAT will be hiring a consultant to provide a comprehensive view using quantitative analysis, but this also represents an opportunity to approach police reform in a way that acknowledges the complexities of police misconduct and its impacts. This work will bring together collaborative efforts with the Boston Police Department, the Office of Equity and Inclusion, and the Human Rights Commission leading the work to define the goals of increasing diversity, inclusive hiring practices and strengthening BPD's workforce as a whole. To do this work we will also work with the Youth Engagement and Employment Department, the Boston Center for Children and Families, BPD Affinity groups, the Community and other vested partners to ensure that the work is done collectively and with intentionality.

Secondly, OPAT's Annual Internship Program will see the department welcome three student interns (1 high school, 2 college) to provide an inside look at police reform efforts within the City of Boston. By providing wages of \$18 for high school interns and \$22 for college, this program will also address adjacent issue areas such as wealth inequality by compensating interns at a higher rate than the minimum wage. The Internship Program will be supervised by our Policy Data Analyst to ensure that we are offering our students real tangible career exposure and experiences. Our interns will be exposed to civic education, board meetings, investigations, constituent services and leadership development skills and opportunities.

Finally, we are thrilled to be able to create a Community Mediator role within OPAT. This position will allow us to reinstate a valuable service that was previously provided by BPD and create a neutral dispute resolution process for complainants and officers. This position will further serve as a resource to our community through outreach and education on upcoming events, policy changes and other important police reform/public safety issues impacting our community.

❖ *Community Engagement*

Beyond our budget investments, OPAT has continued to position ourselves where we can be helpful to the community and our department regularly engages with other City departments and like-minded agencies to strengthen our own practices while moving police reform efforts forward. OPAT is thrilled to have welcomed two young people from the community this summer as part of our inclusion in the Department of Youth Engagement and Employment's Youth Jobs program. This is OPAT's first time hosting Youth Jobs participants, and we have enjoyed providing greater insight into our work around police reform to social justice-minded youth. One of the biggest goals that we've set for our current Youth Jobs participants is to assist in developing OPAT's Youth Advisory Council (YAC). The YAC will allow youth from across the city to regularly convene in our office space to share what they are seeing in their schools and neighborhoods as well as what needs they have identified regarding police reform.

In anticipation of kicking off our Get To Know OPAT community meetings and listening sessions throughout Boston, we have worked purposefully to develop fact sheets that explain more about how OPAT serves the community and the resources that are available to our constituents. Our Get To Know OPAT events will be an opportunity for us to provide a consistent open dialogue on our work within the department and receive valuable feedback from city residents.

CONCLUSION

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

Sincerely,



Stephanie L. Everett, Esq.
Executive Director, OPAT