



CITY OF BOSTON
OFFICE OF POLICE ACCOUNTABILITY AND TRANSPARENCY
Evandro C. Carvalho, Executive Director

May 1, 2026

Commissioner Michael Cox
Boston Police Department
One Schroeder Plaza
Boston, MA 02120

**Re: Authority of OPAT Investigations and Civilian Review Board Findings Under
Massachusetts Law**

CC: Superintendent Richard Dahill
Mayor Michelle Wu
Boston City Councilors

Dear Commissioner Cox,

Thank you for your December 4, 2025 letter and thank you to Superintendent Dahill for his February 10, 2026 letter. You referenced Massachusetts General Laws, civil service rules and guidance, and collective bargaining agreements yet did not articulate specifically which of these various laws and rules you are relying on that supersede the OPAT ordinance.

The Civilian Review Board (CRB) of the City of Boston's Office of Police Accountability and Transparency (OPAT) writes with grave concern with the assertions that "Massachusetts General Laws, civil service rules and guidance, and collective bargaining agreements take precedence over the OPAT ordinance," and that the Boston Police Department (BPD) "cannot sustain an allegation or impose discipline solely on the basis of OPAT or CRB findings without a separate Internal Affairs Division (IAD) investigation." We also are concerned about your statement that "moving forward OPAT will need to share with the Department the evidence and materials relied upon in reaching its findings."

The CRB shares the Department's interest in ensuring that any discipline imposed is legally sound, procedurally fair, and capable of withstanding review by the Civil Service Commission (CSC) or the courts. The question before us is not whether due process must be satisfied, it must, but whether Massachusetts law requires IAD to review CRB findings. It does not.



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Massachusetts law does not preempt municipal authority to create civilian oversight bodies, nor does it require that police misconduct investigations be conducted exclusively by internal affairs units. Civil service law regulates discipline and due process—not investigative exclusivity. No law or regulation prescribe that the investigation must be internal, nor do they require a second, internal investigation where a competent evidentiary record already exists. The letters received from BPD noted above cite no specific legal authority, legislation, regulation, or case law in support of the statements that BPD “cannot sustain an allegation or impose discipline solely on the basis of OPAT or CRB findings without a separate Internal Affairs Division (IAD) investigation.” Indeed, based on our own research, it is not required.

OPAT investigations and CRB meetings satisfy and exceed civil service due process requirements. Likewise, collective bargaining agreements do not supersede statutes or ordinances. In sum, requiring automatic IAD investigations undermines the integrity of civilian oversight and denies meaningful engagement with the communities served by BPD. It is also not the law.

The OPAT ordinance specifically does not allow for the sharing of investigative materials and reports. Your December 4, 2025 letter states that “moving forward, OPAT will need to share with the [Boston Police] Department the evidence and materials relied upon in reaching its findings.” We find the posture of this statement concerning, specifically that BPD attempts to dictate the terms of the level of information shared from OPAT. The CRB wishes to remind BPD leadership that it is up to OPAT (not BPD) to establish regulations in line with the investigatory process, in line with the OPAT ordinance: “All investigative materials and reports assembled by OPAT Staff shall be treated by the OPAT Staff as confidential and available only to OPAT Staff subject only to provisions for information sharing established by regulation of the OPAT Commission and the Massachusetts Public Records Law.”¹

We have a corollary concern that BPD has recently opted out of sharing information with OPAT investigators based on claims that BPD cannot release cases subject to ‘ongoing investigation’ or concerning domestic violence. It is concerning that BPD is putting up roadblocks to OPAT’s meaningful investigatory review of civilian complaints.

Conclusion

We remain committed to collaboration with the Department to ensure that accountability processes are fair, lawful, and durable under external review—but respectfully disagree with the

¹ OPAT Ordinance 12-16.7(c)(iv).



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assertion that Massachusetts law requires the Department to duplicate OPAT’s investigative work with the IAD. The OPAT ordinance, civil service law, and collective bargaining agreements are not in conflict; they operate concurrently. OPAT investigations provide a procedurally sound factual record that may lawfully serve as the basis for sustained findings and discipline, subject to the Commissioner’s independent judgment and civil service protections.

There remain eight cases of sustained findings for which your office continues to be unresponsive.² The Department’s pattern of delay and non-cooperation with OPAT remain a major hindrance to our work; it is time to speed up the work.

BPD Rule 102 Section 35 explains that BPD is obligated to follow “City of Boston ordinances and by- laws and any rule or regulation having the force of law of any board, officer, or commission having the power to make rules and regulations.” This includes those that created the Civilian Review Board. Please explain your reasoning, citing to specific case law and legislative authority, that led you to the assertion that “Massachusetts General Laws, civil service rules and guidance, and collective bargaining agreements take precedence over the OPAT ordinance,” and that the Boston Police Department (BPD) “cannot sustain an allegation or impose discipline solely on the basis of OPAT or CRB findings without a separate Internal Affairs Division (IAD) investigation.”

Respectfully,

OPAT Civilian Review Board

² CRB meeting date and case # for all sustained cases unacknowledged by the Commissioner and BPD:

4.25.24: #127

5.21.24: #98, #240, #256

11.20.24: #255

3.27.25: #367, #375

11.13.25: #511