

March 1, 2021

City Councilor Andrea Campbell, Chair
Public Safety and Criminal Justice Committee
Boston City Council

Councilor Campbell:

Please accept this written testimony from the City of Boston for the Public Safety and Criminal Justice Hearing - Docket #0307 - Order for a hearing regarding implementation of the Boston Police Reform task Force's recommendations and the State Police Reform Bill.

The Boston Police Department has been working with Mayor Walsh's administration on implementation of Task Force recommendations as well as preparing for sweeping reform based on the new Police Reform Bill.

MA Reform Bill/ POST

On December 31st Governor Baker signed the Massachusetts Police Reform Bill into law, after months of back and forth between lawmakers from both houses, advocacy groups, police unions, and the community leaders. The final version of the bill incorporated several amendments by the Governor and is both comprehensive and far-reaching. Many of the reforms codify current policies and practices of the Boston Police Department (BPD), while other reforms mirror or amplify recommendations of Mayor Walsh's Task Force on Police Reform as well as concerns raised by the community and advocates.

The bill creates an independent, civilian-run oversight board -- Peace Officer Standards and Training Commission (POST) that will oversee a new certification/ decertification process for all police officers in the commonwealth, investigate police misconduct, and standardize police training. Officers will get reviewed for certification every three years. There are significant new mandatory reporting requirements for police departments in addition to those related to officer certification, for example:

- All complaints filed with BPD submitted to POST within two business days
- All investigations into complaints completed within one year
- Complete disciplinary records for all officers
- Training records for all officers
- Complaint investigatory files
- Officer involved injuries
- Any other data they request to identify patterns of potential bias

Extensive information and data related to departments and individual officers will be made publicly available through POST. Officers who are decertified may not appeal to Civil Service under this law, and officers who are decertified lose their qualified immunity status for civil rights violations.

The commonwealth already provides training standards and curriculum for the majority of BPD recruit and in-service training under the guidance of the Municipal Police Training Committee (MPTC). New training standards developed by POST/MPTC will be adopted by the BPD's Bureau of Professional Development once they are finalized. In addition, the Police Academy will be tasked with tracking the training component of the officer certification process.

In addition, the legislation limits facial recognition technology, bans chokeholds, mandates that officers intervene if they witness another officer using unnecessary or unreasonable force, further restricts the use of "no-knock" warrants, and creates policy standards for use of force, de-escalation, and bias-free policing. These reforms codify much of BPD's current operating procedures, however there are some policies and practices that will be amended or adjusted as needed to ensure compliance with legislation.

Internal strategy meetings have taken place weekly since the MA Police Reform was signed into law. Many of the reforms took effect on December 31, 2020. Many more take effect on July 1, 2021. There are serious resource implications to these changes, and many unanswered questions. Many of the unanswered questions are related to the certification/ de-certification process and how it will impact our recruitment and hiring process, and how suspensions will impact staffing levels and budget.

MA Reform Bill/ Task Force Recommendations

BPD leadership has been balancing the implementation of Task Force recommendations with the mandates of the MA Police Reform legislation, seeking to identify areas of alignment as well as areas in need of de-confliction. One major area of overlap is civilian oversight. The OPAT and the POST will need to coordinate closely with each other and the BPD. There will now be three different organizations that can investigate complaints against Boston police officers; three different appeal processes for officers; and three different organizations that will be collecting and disseminating information on police and police misconduct.

There will also be extensive leadership and staffing needs within the Bureau of Professional Standards for the reporting, tracking, and investigation of complaints to meet the mandated timelines. In order to prepare for implementation of POST and OPAT, Commissioner White promoted fellow Mayor's Task Force member Eddy Chrispin to the command staff as Deputy Superintendent in the Bureau of Professional Standards. Commissioner White also promoted Deputy Superintendent Sharon Dottin to Superintendent to lead the bureau through all of these reforms.

Other areas of overlap include policy and training. Task Force recommendations and MA legislation are fairly aligned in these two areas.

Policy

BPD is amending all Use of Force rules to include MA legislation language as well as adding bias-free policing language per the Task Force recommendations. The POST will be coming out with their own Use of Force standard policy later this year, which by mandate will be adopted by the BPD. BPD is also working on a new Bias-Free Policing Rule that addresses Task Force recommendations and includes language from MA legislation.

The Task Force recommended that BPD create a Diversity, Equity and Inclusion (DEI) Policy. The Mayor's Office of Equity is reviewing this recommendation and working to create a citywide DEI policy for all departments in partnership with the City of Boston's Office of Human Resources

The MA legislation has requirements for police response to planned mass gatherings that take effect on July 1. BPD will now be required to 1) communicate with organizing groups; 2) assign a de-escalation officer for each event; 3) document all de-escalation attempts; and 4) report to POST any crowd control instance where tear gas/ chemical weapon, rubber bullets, or deployment of a dog were used (including all de-escalation attempts). The BPD has been adhering to the practice of communicating with organizers before an event for many years. Regarding the other mandates, BPD will not be waiting until July 1, the process for special events is being amended now to reflect new procedures.

The BPD is also seeking to automate use of force reports. Automation will greatly improve reporting capabilities.

Training

In terms of training, the BPD is awaiting new mandatory training standards from POST/MPTC for recruits and in-service training on:

- Best practices, including efforts to prioritize de-escalation tactics and techniques in crisis response situations
- Institutional and structural racism and implicit bias
- Best practices for responding to mass gatherings or protests that shall emphasize de-escalation and minimizing the necessity for use of force; and
- Community policing principles

BPD already trains recruits on these topics, and has been sharing current training curriculum on these and other topics with MPTC to inform their work. The Task Force recommendations regarding use of force training will be covered by the MA legislative mandates.

The Task Force also recommended that the BPD improve racial equity training. The BPD Police Academy has increased the number of hours in their Fair and Impartial Policing curriculum for recruits from two to eight hours. This training covers implicit bias and procedural justice. As part of the work of the Equity & Inclusion Cabinet, Chief Lori Nelson of the Mayor's Office of Resilience and Racial Equity is developing a racial equity training curriculum for all city employees in partnership with contracted vendor Health Resources in Action (HRiA). BPD representatives have met with their subcontractor on the development of the training for public safety agencies.

The Boston Police Academy is also implementing ABLE – Active Bystandership in Law Enforcement, a national training effort to prepare officers to successfully intervene to prevent harm and create a culture that supports peer intervention. ABLE is a collaboration between Georgetown University Law Center, the Sheppard Mullin Law Firm, and the New Orleans Police Department. This eight hour training curriculum will be taught to the current recruit class, and then rolled out through in-service training to veteran officers to ensure that all officers receive this training. Annual refresher training will be included in in-service training going forward.

Rethinking Policing

With support from the Mayor's Office, BPD leaders are rethinking the role of policing in general – seeking to shift some current responsibilities that do not require police response to other agencies for a civilian response. Strategies under consideration include:

- Encouraging officers to disengage and walk away from certain situations based on “walk away criteria” that is being developed;
- Changing the BPD process for responding to Section 12 and Section 35 orders – streamlining through the Street Outreach Unit for case by case review and to ensure consistency (currently these orders get faxed to the districts to be served).
- Public education campaign regarding BEST crisis line and other civilian resources that already exist.
- Creating a non-emergency mental health civilian response team that could be accessed by a new three digit number or routed through Operations. (Note, this requires another city agency to take on this responsibility and budget.)

Other Task Force Recommendations

Mayor Walsh has committed significant resources to racial equity and police reform – creating the city's first Equity Cabinet under the leadership of Dr. Karilyn Crockett, establishing the Office of Police Accountability and Transparency through city ordinance and the budget process, and filing a home rule petition to create a hiring preference for Boston high school graduates.

The Task Force made several recommendations related to open and accessible data. The BPD has been working on an accountability and transparency webpage with the Digital team, and various associated dashboards with DoIT. Demo dashboards have been completed for Firearms Discharges, FIOs,

Homicide Clearances, Recovered Firearms, BEST, and YouthConnect. Automated systems are being put in place to ensure timely data updates. Other dashboards are in development – Use of Force, In-custody deaths, and employee demographics. The complaints dashboard will be developed in consultation with the OPAT director and being mindful of POST data sharing requirements. More dashboards will be added as we move forward.

The Task Force recommended the creation of an internal task force focused on racial equity. The BPD will be forming this task force shortly, to be chaired by a command staff member and will include leadership from BPD affinity groups.

The Task Force made several recommendations related to BPD's Body Worn Camera policy and program. These enhancements are being negotiated under collective bargaining as well as in the budget process (for additional storage space and equipment).

Conclusion

The Boston Police Department is undergoing significant reform as leadership works to implement the mandates of Massachusetts Police Reform legislation in conjunction with the recommendations of the Mayor's Task Force on Police Reform, in addition to rethinking policing. Together, all of these reforms will increase accountability and transparency, and promote diversity, equity and inclusion throughout the department. The BPD is committed to these reforms and to proactive community engagement to rebuild relationships with the community that have been strained due to COVID.

In closing, the Boston Police Department is, and always has been, committed to thoroughly investigating any and all allegations of police officer misconduct or wrongdoing.

Sincerely,



Superintendent Jeffrey Walcott
Chief of Staff