



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

**THE OFFICE OF POLICE ACCOUNTABILITY AND TRANSPARENCY
SEMI-ANNUAL REPORT
January 2023**

January 23, 2023

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 2nd Semi-Annual Report for activity from July 1, 2022 through December 31, 2022. As detailed in the Ordinance, this Semi-Annual Report (the “Report”) will provide transparent information regarding key Boston Police Department (BPD) statistical findings and a review of matters heard before the Civilian Review Board (CRB) and the Internal Affairs Oversight Panel (IAOP) during this timeframe. The first Semi-Annual Report in 2021 and the 2022 Annual Report both served as introductions to OPAT by providing historical context that led to the ultimate creation and implementation of the department. In addition, these Reports provided a look into where we as a department needed to focus our initial efforts in order to begin the necessary work of building trust within our community, both within BPD and our department, and our commitment to transparency and accountability in this effort.

As we head into a full year of activity, this Report will provide greater detail into the progress that has been achieved and each subsequent Report will delve deeper into the data, policies, and work of fully seated boards and OPAT initiatives. This Report, and future Reports, should serve as a tool for city residents and other city departments to continue to engage our community members in discussions around police reform and public safety at large. OPAT looks forward to working collectively to develop better policies within BPD and create healthy spaces that allow for increased communication that will lead to better working relationships and enhanced trust.

KEY HIGHLIGHTS

Over the past six months, to achieve its mission of oversight and accountability of the Boston Police Department, OPAT has focused its efforts on building its capacity to better serve the community by continuing to implement Ordinance requirements and budget investments.

1. Began implementing \$134,000 in FY23 investment funding:
 - Implemented a paid year-round internship for high school and college students. High school students are paid \$18/hour, college students are paid \$22/hour. Participating students are exposed to and engaged in policy, data, research projects, social justice advocacy and police reform.
 - Retained Conan Harris & Associates and Strategy Matters as consultants to develop clear pathways to increase the hiring, promotion and retention of both sworn and civilian Black, Indigenous, and People of Color (BIPOC) and women personnel at BPD.
 - Created and began the hiring process for a Community Mediator that will help resolve conflicts where a conversation between the parties may be the best course of action rather than the Civilian Review Board.
2. Built out OPAT's dashboards that include information on stop and frisk by zip code, arrest data by neighborhood, data that looks at how much the City of Boston is spending on settlements specifically for the police department, how many sworn officers were terminated or disciplined and how many were BIPOC officers.
3. Held three (3) Internal Affairs Oversight Panel meetings, two (2) Civilian Review Board meetings, and two (2) OPAT Commission meetings fully available to members of the public where numerous appeals and complaints were addressed by the respective boards and policy work undertaken by the Commission.
4. Completed our first summer hosting Department of Youth Engagement and Employment (DYEE) Youth Jobs participants who in turn helped develop our Youth Advisory Council which held its first ever meeting at the end of December.
5. Attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) Annual Conference and developed relationships with similar oversight agencies in cities like Chicago, New York City, and Seattle, as well as abroad in Denmark.

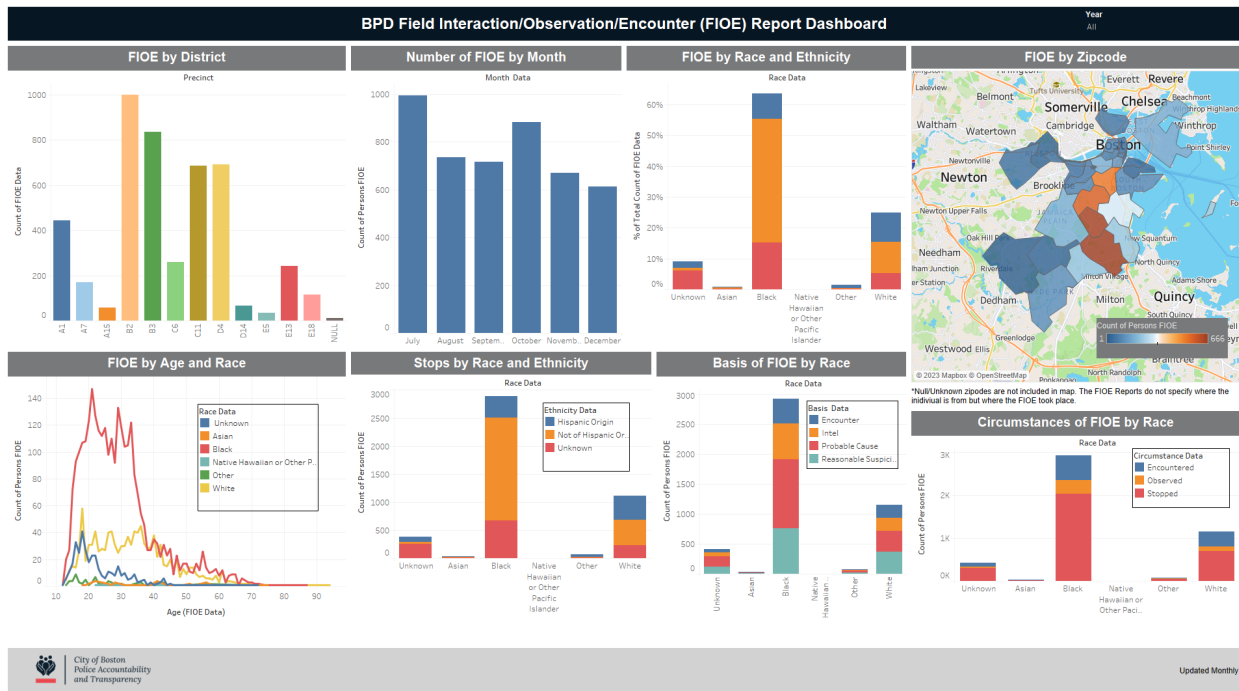
OPAT continues to be proactive in identifying spaces where it is necessary for our office to be as we continue to engage the community on what they are seeking in regards to police reform.

FINDINGS OF THE BOSTON POLICE DEPARTMENT STATISTICS

OPAT has continued to meet monthly with the BPD to streamline data collection between our departments, including creating new data collection processes and investing in new data systems with an eye towards increasing transparency of data. With the onboarding of our Policy and Data Analyst in July 2022, we were able to produce some of these reports in a quicker fashion, including providing this information quarterly in our OPAT Commission community reports.

During this time period, an analysis of the data revealed patterns that required OPAT and the BPD to meet to discuss the trends of continued or increased activity in certain neighborhoods and engagement with youth as young as 12 years old. These conversations are in their infancy but will require continued and purposeful engagement with community, youth, and other city departments to address these trends collectively.

Field Interaction/Observation/Encounter (FIOE)



"Data is collected by sworn officers who must identify the basis for a stop. This must include supporting information used to establish reasonable suspicion in the event of a field interaction/stop or a frisk or the intelligence purpose when conducting an observation or encounter. Officers must also include the race of the individual and may also include ethnicity, when appropriate. Additionally, the officer shall also record the time, date, and location of the FIOE prior to submitting the report. Every on duty police officer shall carry FIOE Forms. FIOE Reports must be completed in ink and submitted to a detective supervisor prior to the end of the officer's tour of duty. Once an FIOE Report is complete and has been approved by a detective supervisor, the officer shall enter the FIOE into the FIOE database within forty-eight (48) hours of approval and forward the original to the Boston Regional Intelligence Center (BRIC)."¹

According to 2021 US Census Data, White (alone/non-Hispanic) individuals make up 52.1% of Boston's population and Black, African-American, non-Hispanic individuals only make up 24.2%.

¹ [BPDNews.com Policy and Procedures- FIOE](https://www.bpdnews.com/policy-and-procedures-fioe)

According to FIOE data collected from July 2022-December 2022,² non-Hispanic Black individuals (40%) are 30% more likely to be FIOE'd than their White counterparts (White-non Hispanic) at 10%.³ FIOE data shows that zip code 02124 (Dorchester/Codman Square) has the highest number of FIOE reports.⁴ This zip code makes up 14.44% of the FIOE from July 2022 to December 2022 with Black people of all ethnicities and genders making up 79% of those FIOEs in this area compared to 10% of their White counterparts in the same neighborhood. Districts B-3 and C-11 (Dorchester/Mattapan) made up 33% of FIOEs from July 2022 to December 2022 and 14.18% of those FIOEs are in zip code 02124. Additionally, Districts B-2 (Roxbury), D-4 (South End), D-14 (Brighton), and E-18 (Hyde Park) have reported FIOEs in 02124, bringing the total to 14.44%.

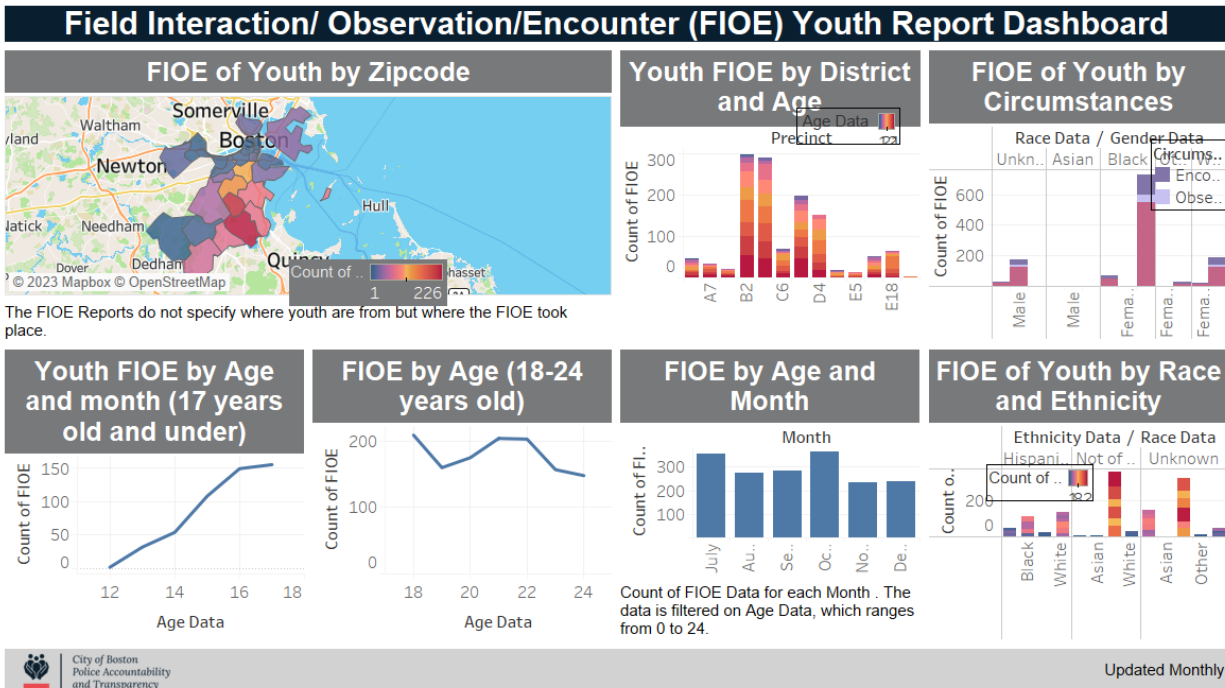
The second highest number of FIOE reports were in zip code 02121 (Roxbury/Dorchester) at 14.18% with Districts A-15 (Charlestown), B-2 (Roxbury), B-3 (Mattapan), C-11 (Dorchester), and E-18 (Hyde Park) conducting FIOE in this neighborhood. Roxbury/Grove Hall's (02121) neighborhood District (B-2) recorded the highest number of FIOEs compared to other neighborhoods in 02121 at 21.67%. Along with zip code 02121, District B-2 has reported conducting FIOEs in zip codes: 02130 (Jamaica Plain), 02124 (Dorchester/Codman Square), 02125 (Dorchester/UphamsCorner), 02120 (Roxbury Crossing), 02119 (Roxbury), and 02115 (Fenway/East Fens/Longwood). Black people of all genders made up 72% of those FIOEs in District B-2, and 87% of the FIOE documentation were men of all ethnicities and races for this same District. The second highest district reporting FIOEs is District B-3 (Mattapan/Dorchester) at 18% while E-5 (West Roxbury) has the lowest at 0.76%. While Districts B-3 and E-5 are not documented as having the highest FIOE percentages, Black people are still overrepresented in both Districts with B-3 documenting 15% of Black people with FIOE and E-5 at 0.33%. Overall, 40% of Black non-Hispanic males were FIOE'd in all of Boston's neighborhoods. The average age for a FIOE was 40 years old for all races with the highest rate of FIOE among 21-year-olds for Black individuals.

² "Field Interaction/Stop (Rule 323 of BPD's Policy and Procedures) is defined as holding an individual in custody briefly, whether on foot or in a vehicle, based on reasonable suspicion. This is to determine the individual's identity and settle the officer's suspicions. An Observation is defined as a direct viewing of an individual by an officer that does not include actual contact with the individual. Reasonable suspicion is necessary when conducting an observation of an individual. But the purpose of documenting the observation must be to gather information to justify documenting the observation. An Encounter is defined as an agreed upon interaction with an individual that does not lead to an official stop and/or frisk. If you encounter an individual with the reason for gathering information, you must document the interaction." "An FIOE Report is a mechanism to allow the Department to document and accumulate up-to-date information concerning known criminals and their associates, the clothing they may be wearing, the vehicles they use, the places they frequent, and persons suspected of unlawful design."

³ Sworn officers self-identify civilian ethnicity and race.

⁴ FIO reports document where the officer FIO the individual and does not report the individual's address.
<https://www.boston.gov/departments/police-accountability-and-transparency#dashboards>

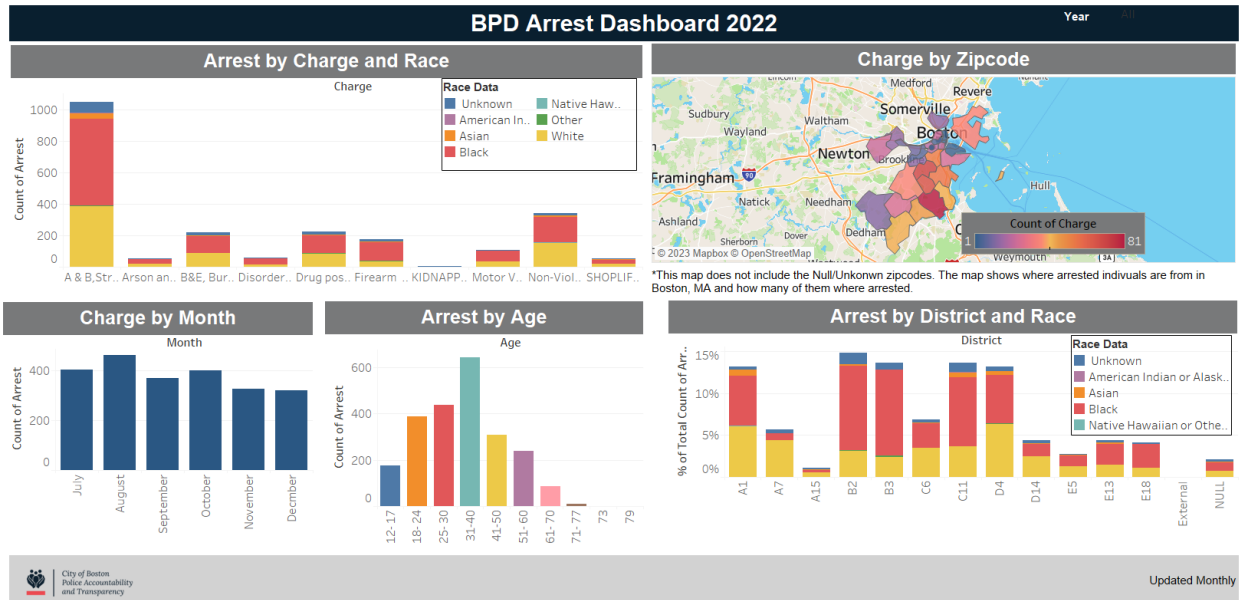
Youth Field Interaction/Observation/Encounter (FIOE)



According to Youth FIOE data collected from July 2022 to December 2022,⁵ 88 out of 1,756 Youth (defined as under 24-years-old) FIOE were children under 14 years old; the youngest being two 12-years-olds. One 12-year-old reported to be FIOE'd on the basis of reasonable suspicion and stopped by B-2 in 02121 in August was a male of Black non-Hispanic origin. The second 12-year-old was FIOE'd on the basis of an encounter and encountered by A-1 in 02108 in December was a female of unknown race, but of Hispanic origin. The highest number of FIOEs reported from July-December of 2022 were of 18-year-olds at 209, with 17% of them originating from zip codes 02118 and 02119. The highest number of FIOEs reported were in October with 364. The district with the highest number of FIOEs was B-2 with over 280 reported for ages under 21 years old and E-5 at the lowest with under 20 FIOEs.

⁵ FIO reports document where the officer FIO the individual and does not report the individual's address. <https://www.boston.gov/departments/police-accountability-and-transparency/#dashboards>

Arrest Data



According to Arrest data collected from July 2022 to December 2022,⁶ there were 2,291 arrests of Boston residents with 31-40 year olds arrested 20% more than 12-17 year olds. Most arrests were for violent crimes ranging from murder and manslaughter to assault and battery. Zip code 02124 had the highest numbers of arrests at 81.⁷ District B-2 (Roxbury) made the highest number of arrests at a little over 340, with Black Bostonians making up the majority of those arrested in B-2 at 10%.⁸ White Bostonians make up the majority of those arrested at 6.07%, compared to 5.98% Black Bostonians in District A-1. In District D-4 (South End) White Bostonians make up 6.33% compared to 5.81% Black Bostonians.

Settlement Data

Civilian-filed civil rights lawsuits brought against BPD resulted in the highest paid settlements in 2021 at \$20,935,000. In 2022, civil rights violations of an Employee was the highest settlement paid by the city on behalf of BPD reaching \$2,825,000. In 2021 and 2022, the Ch. 258 Property Damage cases were the most frequent type of cases being managed by the City of Boston on BPD's behalf and made up 57% of BPD's cases with the Law Department, of which 35% were settled, making the total payout \$182,842 between both years.

⁶ Demographic data and descriptions of the arrest area are recorded by sworn officers. All departmental reports by BPD employees are required to be submitted on time and in accordance with established Departmental procedures

⁷ Some zipcodes were not documented in the arrest data provided by BPD so they are not accounted for on the zipcode chart on the dashboard.

⁸ Sworn officers self-identify civilian's race. The ethnicity of civilians' were documented in arrest data.

SUMMARY AND RESULTS OF REVIEWS OF BPD POLICIES AND PROCEDURES

On November 3, 2022, the 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.”

Additional policy changes include amendments to the 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.

While not all of these policies underwent the review process which includes OPAT, we are confident that through continued engagement and commitment between OPAT, the BPD, Equity and Inclusion, and the Mayor’s Office, this process will be successful and ultimately lead to better outcomes for all involved.

BOSTON POLICE DEPARTMENT BIPOC HIRING PRACTICES REVIEW

On August 30, 2022, OPAT reached out to eighteen (18) local vendors to solicit proposals for a consultant to evaluate the hiring, retention, and promotion for Black, Indigenous, and People of Color (BIPOC) employees in the Boston Police Department. After a period of thirty days and receiving two proposals, OPAT selected a joint submission from Conan Harris & Associates and Strategy Matters. The consultants are responsible for data collection and analysis of demographic trends within BPD to assess the impact of the department’s policies on BIPOC employees. The consultants will also be responsible for producing regular reports analyzing the status and impact of BPD policies related to hiring, promotion, and retention of BIPOC personnel. The reports will include concrete policy recommendations to improve BIPOC hiring and retention and codify promotion and termination procedures to increase transparency. Ultimately, the consultant will help rebuild trust between residents, the Boston Police Department, and the City as a whole by creating an equitable opportunity for the BPD workforce to be reflective of the demographics of the City of Boston.

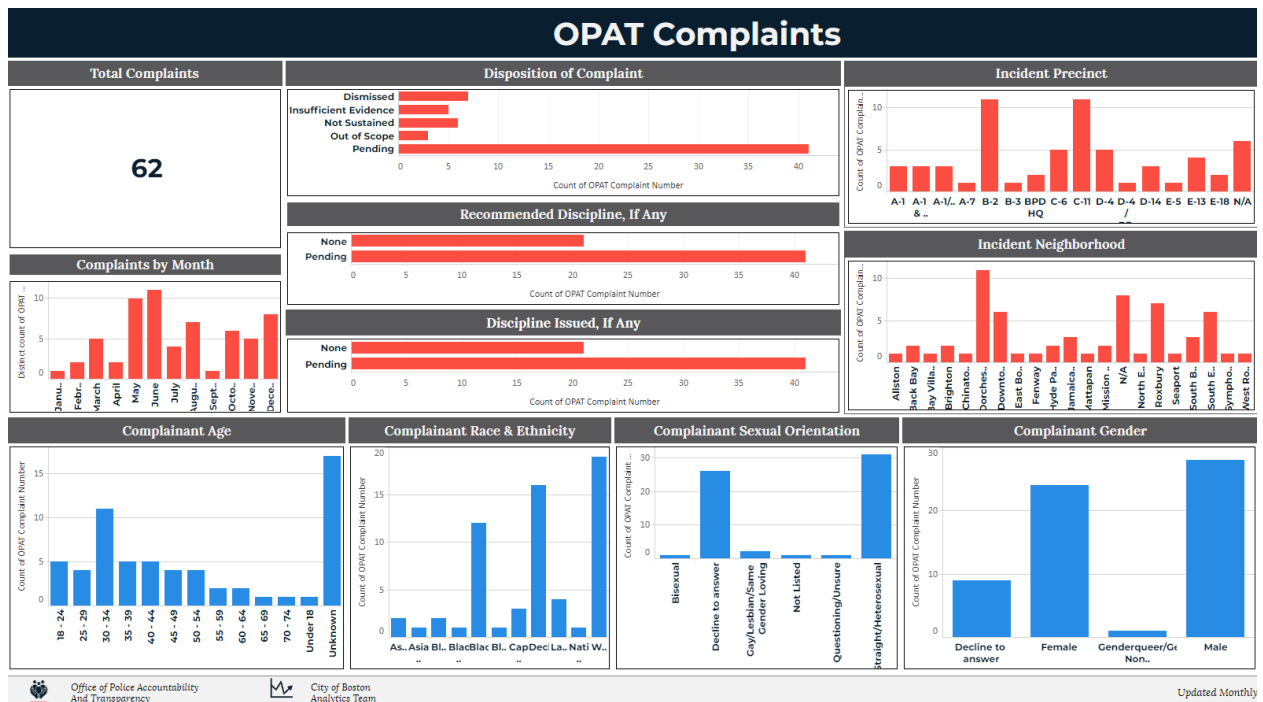
During the vendor engagement process and throughout the entirety of this project, OPAT is working alongside the City’s Equity and Inclusion Cabinet as well as with members of the Boston Police Department. Our department looks forward to working with all partners on moving

this project forward and capturing a complete picture of the experiences of BIPOC employees within the BPD and sharing that picture with the City.

FINDINGS RELATED TO DISPARATE TREATMENT OF BLACK, INDIGENOUS PEOPLE OF COLOR (BIPOC) OFFICERS

With this project in progress we were able to receive some preliminary data on sworn officer discipline and terminations and BPD civilian terminations. According to BPD discipline data between years 2020-2021, a little over 550 sworn officers have been disciplined, with 29 of those officers suspended and 21 of those suspended were Black, Indigenous, or People of Color (BIPOC) officers.⁹ Among the 550 officers disciplined, 210 of them identified as BIPOC officers. As reported by BPD, there were 17 sworn officers that were terminated in 2022 with 3 identifying as Black. There were no terminations of sworn officers in 2021. In 2021, 4 civilian BPD employees were terminated and none of them were BIPOC. There has been no data provided to us on 2022 BPD civilian employee terminations. We are working diligently with BPD to procure that data.

OPAT BOARD DETERMINATIONS



⁹ BPD employees' ethnicities and race are self reported.

- *Civilian Review Board Complaint Recommendations*

Since the publication of our Annual Report in August 2022, the CRB convened on August 9 and November 15 to review and vote on the disposition of eleven (11) cases. Of these 11 cases, the CRB voted to determine six (6) as Not Sustained, four (4) as Insufficient Evidence to Make a Finding, and one (1) as Pending.

Included in the complaints decided upon by the boards, OPAT has received a total of 89 complaints for the period covered in this Report. Per Section 12-16.7 b. in the Ordinance establishing OPAT, OPAT Staff review and may classify certain complaints as dismissed at intake prior to reaching the investigative step in our office. Cases that receive this designation include those whose allegations are out of scope of what our office investigates (such as an allegation naming an officer in a department outside of Boston), as well as those that have insufficient evidence to establish an allegation of police misconduct.

Additionally, our department continues to engage the POST Commission on their adoption of regulation 550 CMR 1.0 regarding Receiving, Investigating, Hearing, and Adjudicating Complaints Regarding Law Enforcement Officers. This included a provision that requires law enforcement bodies to complete their investigations within a period of 90 days. While OPAT is not a law enforcement body, we are required to notify the BPD of all complaints that we receive, and without clarity from the POST Commission on our responsibility to complete matters sent to the BPD within 90 days, we have chosen to hold ourselves to the same prescribed timeline to avoid any confusion or delay. However, our department continues to have deep concerns about how this accelerated timeline will negatively impact our ability to be thorough in the course of our investigations, and we have shared language that would allow for 180 days to investigate such complaints within the City of Boston.

Finally, OPAT has built on its investigative capacity by engaging with BPD on receiving access to critical information that we had not previously, such as body-worn camera footage and booking video, which will allow us to conduct our investigations more thoroughly.

- *Internal Affairs Oversight Panel Reviews*

Since the publication of our Annual Report in August 2022, the IAOP convened on August 17 and November 20 to review and vote on the disposition of four (4) cases. In each instance, the IAOP voted unanimously to agree with the Boston Police Department's Internal Affairs Division's findings.

In addition to new appeals received since our department was created, OPAT continues to work through appeals of BPD Internal Affairs Division decisions that were referred to the former Community Ombudsman Oversight Panel (CO-OP).

CHALLENGES

Although multiple conversations have taken place with BPD and their data team it has become evident that there are still limitations to our data gathering as existing and incoming data needs to be digitized, simplified and complete. For instance, FIOE data is currently released to our office monthly but is incomplete. Variables that would allow our office to conduct efficient statistical analyses and visualizations have been redacted from the dataset. Additionally, the reality of existing FIOE data collection also reveals that an individual can be stopped multiple times and assigned a different number each time as far as the blind data is concerned.

Nonetheless, recently both departments have begun the necessary work to minimize distractions and interruptions to data collection and sharing. It is a priority and goal of OPAT that we will continue to work with BPD to find an effective and efficient way to publicize the data to the public in a timely manner.

GETTING CITY HALL OUT OF CITY HALL

A critical part of OPAT doing its part to get City Hall out of City Hall is our Youth Advisory Council (YAC). The Mission Statement for the Youth Advisory Council created by our DYEE Summer Youth Jobs participants is below:

“The OPAT Youth Advisory Council aims to be a forum where youth from around Boston can talk and advocate for police reform. Our overall objective is to give youth a space to be heard where they can discuss issues in our communities. We strive to build positive connections, to get rid of the disconnect between youth and the police.”

To achieve this mission statement, OPAT has solicited applications from youth from around the city and is thrilled to have welcomed the first cohort of talented young people to our office in late December 2022. Through convening regular meetings, our department looks forward to encouraging youth to advocate for change in policing within the City of Boston.

COMMUNITY ENGAGEMENT

As we continue to build out the department in both staff and program capacity, OPAT has also looked to further opportunities to engage with the community. Our outreach for our public board meetings has increased considerably for our most recent meetings, and we look forward to bringing on more community-focused roles to build further capacity to hold Get To Know OPAT community meetings throughout Boston to provide an open dialogue on our work and receive feedback from City residents. Additionally, OPAT plans to hold community listening sessions in February 2023 to receive feedback from the public to better understand what community needs around police oversight and reform are.



OPAT Staff visiting New York City's Civilian Complaint Review Board.

OPAT is also looking to engage with the community via social media. To this point, our office has set up Twitter (@BostonOPAT) and Facebook (Office of Police Accountability and Transparency - City of Boston) accounts that will be monitored by our staff. These accounts will help get the word out about upcoming public meetings, data and statistics we think may be helpful for the public to see, as well as provide another point of contact for anyone looking to file a complaint with our office. We see this as a critical step to ensuring OPAT is available to everyone within our community.



Donations collected for OPAT's first donation drive included non-perishable food, toiletries, clothing, and books.

Another effort that is critically important to our community engagement work is our commitment to assisting those in need. We were thrilled to hold our first winter holiday donation drive which allowed us to support community organizations like Rosie's Place, Bridge Over Troubled Waters, Generic Ministry Van, Cradles to Crayons, and Prison Book Program. Given our prominent location in Nubian Square, OPAT will continue to take opportunities like this to support other community-based organizations doing work to uplift and care for our neighbors.

CONCLUSION

While the marches have ended, the work continues here at OPAT and in and around our community. We remain committed to our mission and goal to lead with transparency and accountability and look forward to engaging our community partners, youth, the BPD and other City Departments on ways to strengthen our efforts and continue to build a stronger, more inclusive and equitable Boston.

Please feel free to reach out to me should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Everett', with a stylized flourish at the end.

Stephanie L. Everett, Esq.
Executive Director, OPAT