



City of Boston, Massachusetts
Office of Police Accountability and Transparency

OPAT Commission Community Meeting

Minutes

Thursday, September 21, 2023 | 2:00 p.m. to 3:30 p.m.

In-Person Meeting | 2201 Washington St, Suite 102, Roxbury, MA 02119

Call to order at 2:03 p.m.

OPAT Commission Members Present: Internal Affairs Oversight Panel (IAOP) Chair Leslie Harris; Civilian Review Board (CRB) Chair Peter Alvarez.

Introduction

OPAT Commissioner Peter Alvarez opened the meeting by welcoming members of the public and introduced OPAT Commissioner Honorable Judge Leslie Harris (retired).

Commissioner Alvarez explained that he would function as the Commission Chair *Pro Tempore* due to the absence of an OPAT Executive Director. Commissioner Alvarez explained that OPAT's previous Executive Director, Stephanie Everett, had left the department following an appointment by Massachusetts Governor Maura Healey to the position of Suffolk County Register of Probate & Family Court.

Approval of Previous Meeting Minutes

Commissioner Alvarez introduced the Commission's March 16th and June 15th meeting minutes for consideration. The minutes were approved as presented by a unanimous vote of the OPAT Commission. No corrections were made.

OPAT Commission Public Report

Commissioner Alvarez noted that by ordinance, the OPAT Commission is required to provide a public report on OPAT activities for the quarter. The September 2023 public report covers OPAT activities for FY23 Quarter 4 (April 2023, May 2023, and June 2023). Commissioner Alvarez explained that the public report was available at the meeting in paper format and online at boston.gov/opat.



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BPD Commissioner Response to Case #122

Commissioner Alvarez noted for the public that the Civilian Review Board approved a Sustained ruling in the matter of Case #122 on June 13, 2023. Commissioner Cox submitted a response to the CRB, rejecting this Sustained ruling and recommended discipline.

Commissioner Alvarez informed the public that print copies of this response were available at the front desk and are posted online to the OPAT webpage. Members of the public are welcome to submit public comment about this case or the BPD Commissioner's response to the CRB's findings. Commissioner Alvarez noted that BPD Commissioner responses to cases will always be posted on the OPAT webpage, along with the summaries of the investigations heard during a specific meeting.

Proposed Regulations – OPAT 1.00

Commissioner Alvarez introduced OPAT Deputy Director John Steies to provide a brief summary of the proposed regulations.

Deputy Director Steies reported the following:

OPAT promulgated OPAT 1.00, regulations on OPAT investigations, complaints, conflicts of interest, meeting dates, and the Youth Advisory Council (YAC).

As promulgated, 1.01 requires the party with the burden of proof to demonstrate that an allegation or argument is far more likely to be true than false.

As stated in 1.02, to avoid duplication of effort, the OPAT shall not run parallel investigations with the Boston Police Department (BPD) or Peace Officer Standards and Training (POST) Commission into civilian complaints of police misconduct.

1.03 states that the OPAT Staff will consider a complaint incomplete if it is missing two or more pieces of necessary information; that information being specific date/time/location of the incident alleged, specific misconduct being alleged to have been committed by a BPD employee, and other descriptive and identifying information regarding the BPD employee named in the complaint. OPAT Staff will



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reach out to the complainant to retrieve information, and the complainant will be given 7 days to respond.

1.04 states that shall members of the Internal Affairs Oversight Panel (IAOP) or the Civilian Review Board (CRB) be unable to fulfill their roles due to a conflict of interest, it will be referred to the OPAT Commission for review and recommendation.

1.05 requires that the OPAT Commission shall set the meeting calendar of the CRB, IAOP and the OPAT Commission each December for the next calendar year.

1.06 establishes a Youth Advisory Council to advise the Executive Director and the members of the IAOP and the CRB to give youth a space to be heard and where they can discuss issues in their communities.

Deputy Director Steies noted for the OPAT Commission that OPAT Staff recommended that the proposed regulation, OPAT 1.06, be struck from the regulations due to advice from the Law Department that regulations were not the right channel to create a Youth Advisory Council.

The OPAT Commission held a brief discussion on removing OPAT 1.06 and determined that the Youth Advisory Council (YAC) should be considered a key component of OPAT and that the Boston City Council should consider establishing YAC as part of OPAT.

The OPAT Commission discussed the other proposed regulations and stressed the importance of reducing the pressure on complainants in the process of identifying the subject of their complaints. Commissioner Alvarez expressed support for codification of objective qualifiers that could be used by any OPAT staff members in the course of intake and investigations.

Commissioner Leslie Harris expressed concern about the timeframes proposed in OPAT 1.03 and asked if complaints could be refiled if complainants return to OPAT with more information to add to their complaint. Deputy Director Steies explained that OPAT 1.03 was intended to be a record-keeping measure and noted that OPAT Staff would amend the



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proposed regulations to specify that complaints may be reopened if the complainant returns.

Commissioner Harris asked if the proposed regulations included anything about requiring the Boston Police Department (BPD) to preserve video records if they possess these records. Deputy Director Steies answered that this consideration was not included in the first set of proposed OPAT regulations but OPAT Staff have routinely received video records from BPD on request.

Commissioner Alvarez proposed a change in OPAT 1.04 that would reduce the number of consecutive meetings that could be held without quorum from three (3) to two (2). Commissioner Alvarez explained that the OPAT boards are expected to be flexible and efficient and reiterated his belief that if a board is unable to meet quorum due to regular absences or insufficient appointments, the OPAT Commission can and should be able to step in and allow the board's work to continue. Commissioner Harris expressed his agreement and the importance of the OPAT boards practicing efficiency.

Commissioner Alvarez noted for the public that, per M.G.L. c. 30A, the OPAT Commission would hold an open public comment period from Thursday, September 21 to Thursday, October 26, 2023. Members of the public can submit any comments, ideas, and information about proposed amendments to the draft regulations until Thursday, October 26th at 5:00 p.m. A public hearing would be held virtually (remotely) through Zoom on Thursday, October 26th from 11:00 a.m. to 1:00 p.m. to receive any comments, ideas, and information about proposed amendments to the draft regulations governing the Office of Police Accountability and Transparency.

Other Business

The Commission determined that its next community meeting would be held on Thursday, December 14th at 1:00 p.m.

Commissioner Alvarez asked for an update from OPAT Staff on the status of board member appointments and the Mayor's Office's search for a new OPAT Executive Director. Deputy Director Steies reported that there were no significant changes and the Mayor's Office aimed to appoint a new Executive Director at the end of October.



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Public Comment

The Commission opened the public comment period. Members of the public in attendance gave comment.

The Commission acknowledged the two (2) emails sent to OPAT requesting a virtual participation option at community meetings for members of the public.

Executive Session

Commissioner Alvarez stated that the OPAT Commission would enter an executive session, pursuant to M.G.L. c. 30A, § 21(a)(7), combined with M.G.L. c. 30A, §§ 22(f) and (g), in anticipation of discussion and approval of the minutes of prior Executive Sessions. The Commission would not reopen in a public session to vote to approve these minutes.

Commissioner Harris motioned to enter into Executive Session and to close the public session. The motion received a second from Commissioner Alvarez and was unanimously agreed upon by the Commission.

The OPAT Commission's public session closed at 2:59 p.m.

Meeting adjourned at 2:59 p.m.