

ADVANCING PUBLIC SAFETY IN BOSTON: AN AGENDA FOR THE NEXT MAYOR



This White Paper series was created by the Boston Area Research Initiative (BARI), a network of research institutions and experts, to provide our city's next mayor with the perspective of members of our academic community. We stand ready to assist the mayor as experts, residents and stakeholders in Boston's future.

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This white paper is intended to provide a historical overview on policing in Boston, a summary of the current threats and challenges facing the City of Boston, and recommendations for the next Mayor of Boston on how to improve public safety for all individuals who live, work, and visit the city. Boston, similar to every other major city in the United States, is facing a time of conversation about the proper role of police in our society and a series of public calls for a new version of policing that increases police accountability and transparency. In compiling the information for this paper, the authors interviewed several current and past employees of the Boston Police Department as well as other individuals who have partnered with the department. While Boston is the 21st largest city in the United States with nearly 700,000 residents, it has historically experienced fewer crimes than other major cities of similar size.¹ Numerous factors contribute to the lower violent crime rates in Boston, including the fact that Massachusetts has one of the most restrictive gun control laws in the country, a history of community policing programs by the Boston Police Department, and a higher level of community involvement in public safety initiatives. Nevertheless, the lack of leadership in the police department and the limited amount of reform following protests demanding police accountability present challenges to the future of public safety in Boston.

BACKGROUND

Founded in 1838, the Boston Police Department was the first official police agency organized in the United States. The department has a long history of being a leader in the field of policing. For example, after the largest number of homicides in the city's entire history were reported in 1990 with 152 homicides, the Boston Police Department implemented a number of innovative programs including Operation Ceasefire and Operation Nightlight to reduce gun violence. These programs included community participation and offered young adults educational and occupational support services in return for a cessation of gun violence. These programs had remarkable success with only 31 homicides reported in 1999 and an even bigger drop in homicides among individuals aged 24 years and under. As a result of this experience, the Boston Police Department was cited by the U.S. Attorney General Janet Reno as a model for other communities looking to reduce youth violence.

¹ Boston ranks 44th in terms of violent crime rate and 41st in terms of its homicide rate, which is reported at 6.01 per 100,000 residents. On the other hand, Baltimore, which has a population of more than 600,000 residents, has a homicide rate of 58.27 per 100,000 residents.

At the same time, the Boston Police Department has a history of racial strife and actions that promoted racial injustice. For example, after a district court order required school children to be bussed to public schools because of the longstanding segregation practices in the Boston Public School system in the 1970s, officers in the Boston Police Department were asked to enforce these changes. However, many officers were involved in leading the protests in majority white neighborhoods where African American children were bussed to attend public school. In a separate event in 1989, a white local businessman, Charles Stuart, reported to the police that on his way back home with his wife following a childbirth class, an African-American man jumped into his car in an attempt to rob them and murdered his wife. The Boston Police began an aggressive investigation for the suspect in the Roxbury, Dorchester, and Mattapan sections of the city while stopping and searching hundreds of innocent African-American men. After arresting an African-American man and charging him with the murder, evidence surfaced that Charles Stuart had in fact killed his wife. While Charles Stuart eventually committed suicide by jumping off the Tobin Bridge, this case became national news, and the Boston Police were criticized for using discriminatory stop and frisk practices in African-American communities during their search for the killer based on racism and racial stereotypes. The BPD is facing a paradox where many within the department see the BPD as a national model while many in the community see a police department with the same challenges of unaddressed police misconduct, lack of transparency and a lack of overall accountability as other major police departments. This paradox has been and will continue to be a major barrier to reform.

KEY RECOMMENDATIONS

HOW CAN BOSTON'S NEXT MAYOR IMPROVE PUBLIC SAFETY TO PROMOTE A BETTER FUTURE FOR ITS RESIDENTS?

Internal Recommendations:

1. Establish new leadership that seeks to increase accountability within the police department.
2. Review current and past complaints and misconduct allegations against police officers in an objective and timely manner to identify the root causes of the problem and identify solutions that seek to improve police-community relations.
3. Revise recruitment, retention, and promotion policies and practices to increase diversity in the work force and provide better training to officers that prioritizes the physical safety and mental well-being of community members and police officers.
4. Adopt and evaluate evidence-based policing practices in responding to mental health crises and proactively address these challenges by partnering with local agencies and organizations.
5. Advance transparency by making data and information publicly accessible to educate the public on existing police policies and practices and any changes to police operations.

External Recommendations:

6. Invest in community policing strategies that represent the best interests of the local community by engaging in open conversations with elected officials, the public, and police leaders.
7. Engage in partnerships with Boston-area academic institutions to help develop innovative ways to collect and analyze data from policing practices to better understand the effect of such practices on communities.
8. Maximize available resources, like recommendations from the Boston Police Reform Task Force developed in October 2020, which presented an excellent blueprint for reforms that would begin to address the major concerns from the community.

CURRENT THREATS & SOLUTIONS

Currently, the Boston Police Department is facing a series of challenges involving police legitimacy that may be among the most daunting in the organization's history. First, the department's latest Police Commissioner was fired by Acting Mayor Kim Janey following allegations of intimate partner violence. Second, the former head of the Boston Police Patrolman's Association was arrested for sexual assault charges and allegations exist that this misconduct was covered up by members of the department. Third, police officers claiming that they worked overtime at the evidence warehouse were recently arrested and charged for participating in an overtime fraud scheme. Finally, the disproportionate number of minority individuals found in the Boston Police Department's Gang Assessment Database has drawn concern among residents demanding more transparency in the identification, selection, and removal of individuals in the database. This is all coming to the surface at a time of a national conversation about the Black Lives Matter movement and a discussion about the role of police in our communities. Reforms are needed.

In spite of these challenges facing the Boston Police Department, Boston has seen a decrease in crime at a time when many other major cities have seen an increase in crime, particularly violent crime. According to data presented by the Boston Globe through July 4 of this year the City of Boston has experienced a nearly 30% reduction in homicides compared to the same period in 2020, from 27 to 19 homicides. Boston has also seen reductions in the number of shootings as well as the number of fatal shootings. The experience of Boston is different from many other cities where an analysis of the first 3 months of 2021 compared to the same period in 2020 by John Jay College found homicides increased by 209% in Oakland, 189% in Indianapolis, 100% in Miami and 57% in Atlanta. This reduction in crime in Boston reflects the continued efforts of sworn and no-sworn members of the BPD as well as committed community partners even when the leadership of the department is not permanent. This situation is very promising for the next Mayor of Boston.

Leadership. First and foremost, the Boston Police Department needs new visionary leadership. Although there are individuals within the ranks of the Boston Police Department who could lead the agency through a period of structural reform, there should be a national search for a new commissioner for several reasons. On the one hand, a national search would offer the city a more diverse group of candidates, both internally and externally, that the mayor can choose from to best lead reform efforts within the department. Additionally, a national search would send a message to the Boston community that the new administration is looking to identify the best person to lead the department despite the challenges it and the City of Boston are facing because of the COVID pandemic and the national calls for police reform. Even if a new leader is selected from within the Department, the new leader must have a vision for a new model of policing. Going back to what worked in the 1990s will not work in the 2020s. New policing that is more accountable and more transparent and a department that much more closely reflects the demographics of Boston throughout the organization will be necessary to give the community members of Boston the public safety they need and deserve.

Complaints and Misconduct Investigations. The Boston Police Department must be more transparent when dealing with complaints against individual officers and misconduct investigations of its officers. While the department's internal investigations have improved in recent years, it is clear from recent cases, including the allegations against the former President of the Boston Police Patrolmen's Association, that past investigations have been tainted by politics or shoddy investigative techniques. In addition to the New Office of Police Accountability and Transparency (OPAT), the Boston Police will need to review past allegations of misconduct for all current officers. Because earlier investigations were done in a less rigorous fashion, the Department needs to be skeptical of those early investigations.

Overtime. An ongoing challenge for the police department is to begin to control their overtime budget. A serious analysis of places where overtime can be reduced is essential. This needs to be a priority for the next leader of the organization. Prior administrations have correctly pointed out that some overtime expenses cannot be predicted but the fact that 30 officers earned more than \$300,000 in 2020 needs to be addressed. The same group of officers are high earners each year in the BPD. The

ongoing federal investigation of false claims of overtime by officers associated with the evidence unit makes the analysis of overtime an even greater priority. Workload has been reduced in many units in recent years but those units still generate similar or in some cases greater use of overtime funding. For example, traffic enforcement by all law enforcement agencies in the US was reduced, in some agencies by up to 90%, during 2020 due to the COVID pandemic. It should be the case that overtime in traffic enforcement units should also have decreased that year. This analysis should be done by a group external to the department such as a group of business faculty from area universities or an independent group such as Boston Municipal Research Bureau.

Increased Transparency. A major element of holding police officers and other employees accountable is increased efforts at transparency within the department. The department has made strides in recent years in sharing information about crime in various Boston neighborhoods, but the organization needs to be much more open to sharing information about the activities of its officers. Many departments across the country are moving to a regularly updated series of dashboards that present information about calls for service and arrests but also information about cases of police use of force or allegations of police misconduct. Some areas where increased transparency is needed includes: the release of Body Worn Camera video, discipline records of officer found guilty of misconduct, use of force information including the characteristics of those subject to use of force, the race and ethnicity of persons stopped, subject to an FIO or arrested, and the names and selection criteria of those included in the Department's Gang Database. All of these data should be released with a clear focus on protecting the privacy rights of both the officers involved as well as the community members involved. Specifically, around Body Worn Camera videos the departments need to have a policy about when to release videos that can be consistently applied. If not, it appears that video from each controversial case is released after consideration of the likelihood it might hurt the department or officers involved.

LONG TERM CHALLENGES & OPPORTUNITIES

The Boston Police Department has historically had difficulties implementing policing reforms, in large part due to the strength of the local police unions. Currently, the following four police unions represent its officers: the Patrol Officers Union, the Investigators Union, the Superiors Officers Union, and the Minority Officers Union. These organizations protect their members from unfair treatment by the administration of the BPD and have played an important role in the past. Unfortunately, today these unions are more often trying to slow or inhibit reforms rather than working with the mayor and the BPD command staff to implement reforms that benefit the residents of Boston. In other parts of the country, police unions are at the forefront of those advocating change in police departments. These relatively new unions, such as those in Miami and St. Louis, are often representing officers of color and are more supportive of reform than either the police leadership or the more traditional police unions. The current leadership of the four Boston Police Unions need to step forward and work with the future Mayor and Police Commissioner to implement the changes recommended by the Mayor's Police Reform Task Force and additional reforms that may be necessary. If they refuse to support reform efforts, the next Mayor and Police Commissioner may have to use the courts to push the necessary reforms.

Community Policing Strategies. Following the national conversation on the need for and proper role of the police in our communities, programs that build trust between the police and the community are essential and were emphasized during interviews with current and past members of the Boston Police Department. Programs like the Peace Walks, which were suspended due to the COVID-19 pandemic, and the Social Justice Task Force which were both developed under former Commissioner William Evans, and the Diversity Council developed by his predecessor Commissioner Edward Davis provided forums for the police and community to come together and discuss current issues. The Bureau of Community Engagement (BCE) needs additional resources particularly at time when trust in the police is lower nationally and here in Boston. Additionally, the relationship between the Community Service Officers and the BCE need to be discussed with a common goal of how best to engage with the community. However, the role police officers should or should not play in the City's schools needs to be

carefully considered. Historically, the BPD has on occasion solicited through various survey techniques the concerns of the residents of the City's neighborhoods. This process should become a regular process for the BPD with public reports of what the Department is doing to meet the needs of each neighborhood.

Recruitment and Retention. Numerous law enforcement agencies across the country are facing challenges recruiting and retaining officers from diverse backgrounds. At the national level, these challenges have been exacerbated by the killing of unarmed people of color by police officers, lack of diversity across police leaders, and police culture. In order to address these challenges, it is important for police departments to engage in personal outreach efforts to recruit candidates by officers they know and trust, update existing curriculum and training offered at the academy, mentor and support officers on promotional exams, and identify and address challenges faced by some officers in terms of any mental, physical, and/or social support required to retain officers.

First, there needs to be a commitment from the leadership of the department to put sufficient resources toward outreach and to evaluate outreach efforts to determine which are most effective to recruit and retain officers of color and female officers. For example, the residency requirement may present a challenge in recruiting individuals of diverse background given challenges with finding affordable housing. A more flexible residency requirement that offers a longer opportunity to move into the city might be considered. Second, some practices in the training academy are cutting edge and represent best practices in the field but some are dated and do not represent the best training practices across the nation. It would be good to use the Research Unit in the BPD to conduct a review of best practices in police training to make recommendations as to where the BPD training curriculum should be updated. Certain groups have more difficulty successfully completing the academy than others. Single parents with young children, for example, have found the rigorous demands of the academy particularly challenging. If, for example, a recruit is a single parent there is little accommodation for times the recruit might need to care for a sick child or other family member. As the department seeks to become more reflective of the Boston community an analysis of why individuals fail to successfully complete the academy should be conducted to identify where changes may make recruits more successful. For decades the training academy facility in Hyde Park has been a source of problems. Many prior commissions have suggested moving the academy to a more suitable facility. The future Mayor should seriously consider moving and upgrading the academy. Third, for the previous four police commissioners the command staff was the most diverse part of the organization. That is due in large part to the fact that the members of the command staff have been chosen by the Police Commissioner. Unlike the command staff, the ranks of Sergeant, Lieutenant and Captain tend to be disproportionately white. It is essential that all ranks and units in the BPD reflect the diversity of the city. Steps need to be taken to support officers of color and women as they take promotional exams.

Promotion. Whether it is accurate or not there is a widespread belief in the BPD and among those who work with the BPD that nepotism is rampant in the promotional system. Officers believe that if they speak out against a program or policy it could impact future promotional opportunities. In the past the BPD leadership has tried to update assessment processes for promotion, but these reforms have been criticized by the police unions. In terms of promotional assessment, the BPD is far behind many of its peer agencies. To get the best leaders in the organization and to represent the diversity of the city at all ranks the department will need to update its promotional process which may include a reconsideration of the use of Civil Service.

Body Worn Cameras. In September of 2017, the Boston Police Department concluded a one-year pilot of a Body Worn Camera program (BWC). The analysis of data from the pilot program concluded that officers wearing BWC had fewer complaints lodged against them and officers wearing BWC used force less often. The differences were small but they were statistically significant. Following the Pilot Program, the Mayor and the Police Commissioner committed to implementing the program to all BPD officers who interact with members of the public. The full implementation of BWC has still not occurred. The next Mayor should ask for a timeline for full implementation.

Full implementation is not sufficient to address the needs of the members of the Boston community. Best practices have been developed in the thousands of law enforcement agencies that implemented BWC policies across the country. In Boston, as in many other departments the officer is responsible for turning on her or his camera. For accountability there needs to be serious disciplinary consequences for officers who choose not to turn on their cameras. In addition, one of the best uses of BWC videos is for officer training. In many police agencies, including Oakland for example, first level supervisors are required to review a sample of videos from each of the officers they supervise each week and identify a situation where the officer acted in an exemplary fashion and a situation where the officer failed to follow departmental policy. These instances are then shared with the officer in informal training sessions. The weekly review also used the Record Management System to conduct an audit to assure that officers did in fact turn on their cameras according to departmental policy. Both of these Best Practices should be adopted in Boston.

Duty to Intervene. The BPD has a Duty to Intervene policy and is currently training its officers to intervene if a fellow officer is violating departmental policy. The BPD training comes from a widely accepted perspective that the goal of the intervention is to help fellow officers before they violate policy. The problem with this approach is that it does not go far enough to verify that officers are in fact intervening when it is appropriate. Boston Police should commit to a regular review of BWC video from instances where officers use force to make sure officers are correctly following the duty to intervene policy.

Responding to Mental Health Crises. Across the country, police departments are partnering with public health agencies to form alternative responses to people experiencing mental health crises. Police officers are not the best trained individuals to respond to individuals experiencing a mental health crisis. Nationally, there are many models for these efforts. Boston has the Boston Emergency Services Team (BEST) Program which is a partnership between Boston Medical Center and the BPD and is available 24 hours a day. This program has been in place for 10 years and has been replicated by many police agencies across the country. The BEST Program has recently received much needed additional resources. This program should be evaluated and it should be determined whether additional improvements could make the current program even more effective. This evaluation could be done by the current BPD Research and Planning unit or in partnership with a local college or university. The recent proposal by Acting Mayor Kim Janey for a three-phase pilot program to expand the role of EMS and mental health professionals in responding to 911 calls for individuals experiencing mental health crises seems like a thoughtful approach to rethink how BPD respond to these calls.

RESOURCES

Currently, there are many resources in place that can help to develop, implement, and evaluate police reforms in the City of Boston. For example, the Boston Police Reform Task Force developed recommendations to the Mayor in October 2020 which present an excellent blueprint for reforms that would begin to address the major concerns from the community.² One recommendation made by the Mayors Task Force is the need for increased accountability for all employees of the Boston Police Department. All employees need to be held accountable for misconduct as well as efforts to meet the values and goals of the organization but unfortunately there has been a long history of Boston Police officials failing to hold those who engage in misconduct accountable. Employees need to be recognized and rewarded for assisting in reform efforts and those who resist reform and those who actively try to thwart reform need to be held accountable. Another recommendation by the Mayor's Boston Police Reform Task Force called for the creation of an Office of Police Accountability and Transparency (OPAT) to oversee official investigations into allegations of misconduct by members of the Boston Police

² For more information, visit the following website: <https://www.boston.gov/sites/default/files/file/2020/10/BPD-reform-task-force-english.pdf>.

Department.³ This represents an expansion of the responsibilities and resources held by the current City of Boston Community Ombudsman Oversight Panel. The mayor and the new Police Commissioner should expect resistance from inside the BPD and must actively confront this resistance.⁴

Another resource in Boston to assist in police reform is the academic community in and around the City of Boston. Scholars at academic institutions such as Boston University, Harvard University, MIT, Northeastern University, Suffolk University, and the University of Massachusetts in Boston may be mobilized to support reform efforts by the new police commissioner. For example, one area where the academic community can assist the department would be in developing innovative ways to analyze and provide data from the sources cited above that would be useful to the broad array of community groups. Large data dumps on a website are seldom useful to community groups because of the time and expertise necessary to explore the information. The latest data visualization techniques being practiced and taught at the area's colleges and universities could overcome this problem and make the BPD more transparent to all.

Finally, the Boston Police Research and Planning Unit is a strong research unit and could be used more often to conduct program evaluations and to benchmark best practices being developed in other police agencies. Many of the most effective reforms have begun with external grant funding such as the BEST Program. Unfortunately, a number of these externally funded reform models have never been moved on to the operating budget so when the grant ended the program was dramatically reduced or terminated as in the case of some Domestic Violence programs and the Boston Re-Entry initiative. Externally funded reform programs should be regularly evaluated and moved on to the operating budget if they are deemed to be successful.

CONCLUSION

The Boston Police Department is facing a series of important challenges but being able to search for and appoint a new leader for the organization offers a unique opportunity to address these challenges. During this period of questioning the appropriate role of the police in our communities it may be time to consider structural changes in the city of Boston. For example, units such as Hackney Carriage regulation, School Crossing Guards and coordination of towing might be better done by another city agency such as the Department of Transportation. In addition, the police department may consider increasing the use of civilians particularly in areas involving technology. In some cases, civilians trained and experienced in running technology for large organization might be better prepared to address technology needs of the BPD than officers with less experience in these areas.⁵ The next mayor of Boston will play a major role in reforming the Boston Police Department.

3 Although OPAT has been created and a director was hired, the office has yet to be staffed by other members.

4 The recent experience of the investigation of past allegations of intimate partner violence by recently appointed Commissioner Dennis White does not bode well for reform efforts involving the BPD. In this investigation, the attorney appointed by the mayor to conduct the investigation, Tamsin R. Kaplan, asked to interview 21 current or former BPD employees and only 7 agreed to speak with her. This kind of resistance to change has been a hallmark of BPD reactions to prior reform such as Body Worn Cameras but cannot derail this opportunity for broad structural reforms.

5 A current example of innovative civilian leadership is the Boston Regional Intelligence Center (BRIC) which is co-led by a sworn civilian. See the following website for more information: <https://bpdnews.com/bric>.