

SELECT BOARD COMMITTEE ON POLICING REFORMS

MOTIVATION

The sadistic killing of George Floyd in Minneapolis and the re-playing of videos of the 8 minutes and 46 seconds that Officer Chauvin pressed his knee on Floyd's throat has caused extreme trauma to the nation. The killing has provoked marches, organizing, and anger across America and the world and in Brookline. It has also triggered penetrating questions of policing across the country. A re-imagining policing task force has been established by the Select Board to consider bold changes to the policing model in Brookline. Separate from whatever bold changes are ultimately made in Brookline, the Select Board intends to use this opportunity to establish a **Select Board Committee on Policing Reform** (the "Committee") to identify for recommendation to the Select Board any immediate improvements to the policies and practices of the Brookline Police Department. The Committee will also investigate the belief by some residents that the police department treats Black and Hispanic youth and Black and Hispanic individuals driving within or through the Town in a discriminatory manner. The Committee will not pre-judge the Brookline Police Department's practices but it will review those practices. The Committee will also acknowledge in its work the reality that incidents of police violence against young Black men and others by police in multiple communities in the country that are captured on cell phone videos have traumatized people of color, particularly Black youth, and cast a negative light on all police officers, including Brookline officers.

CHARGE

Pursuant to its role as Police Commissioners of the Town of Brookline under General Laws chapter 41, §97,ⁱ Town Bylaw §3.1.2A,ⁱⁱ and actions of Town Meeting in May 2010ⁱⁱⁱ and November 2010,^{iv} the Select Board hereby establishes the Committee to review and identify provisions of the policies and procedures, aspects of training and education, and the practices and methods of supervision of the Brookline Police Department that, where necessary and appropriate, can be improved and updated. The Committee shall acknowledge the foundational work of the police department over many years to implement best practices in policing as reflected in the re-accreditation in 2016 of the department under the standards of the Massachusetts Police Accreditation Commission, the incorporation of recommendations of President Obama's 21st Century Policing Task Force, and the adoption of a community policing model by the department.

The Committee's review shall be designed to determine changes that would result in better policing and wider support in the community, with special attention to support from Black and Hispanic communities, immigrant communities, residents of Brookline Public Housing, the LGBTQ community, and residents from other vulnerable communities.

The Committee shall also review systemic and institutional issues impacting policing in Brookline, including Civil Service rules, mutual aid and similar agreements, state statutory and regulatory provisions, Town bylaw sections, and collective bargaining and vendor contract provisions.

The Committee shall meet with the Select Board's Re-imagining Policing Task Force on a periodic basis to compare findings and coordinate efforts.

The Committee shall hold hearings as needed to receive public comment and to educate the public on the Committee's work and the Brookline Police Department.

Recommendations to the Select Board shall be made as recommendations are ready and a final report of the Committee shall be made by the date of the opening of the 2021 Annual Town Meeting warrant with recommended warrant articles, if any, included. If necessary, the final report or an additional report may be made in time for the opening of the fall 2021 Special Town Meeting.

MEMBERSHIP

The Committee shall be comprised of ten members, plus a member of the Select Board who shall be the Chair. All members shall be voting members. The Select Board shall select the members of the Committee from among individuals with the expertise and experience to undertake the tasks of the Committee. The Committee shall be comprised of individuals who represent racial, ethnic, and gender diversity and a reasonable level of viewpoint diversity.

Applicants should apply through the usual procedure for applying to Town Boards and Commissions. In addition, applicants shall submit (1) a resume or a description of career positions or education or other indicia of expertise or experience and (2) a statement explaining their interest in being a member of the Committee, including their public positions on matters that may come before the Committee.

The Town Administrator shall designate a Town staff person to staff the Committee and assist in preparing and posting minutes of the meetings of the Committee and setting up meetings for the Committee.

The Town Administrator, the Chief of Police, the Human Resources Director, the Chief Diversity Officer, Town Counsel, the Chair of the Advisory Committee, and the President of the Brookline Police Union, or their designees shall be non-voting members of the Committee.

The Committee shall hold hearings on important topics as needed and shall seek testimony from individuals and various Town organizations and entities that have expressed an interest in the Select Board's Reimagining Task Force or the Committee or the issues they are reviewing.

ⁱ Chapter 41, § 97: Police departments; establishment

In towns which accept this section or have accepted corresponding provisions of earlier laws there shall be a police department established under the direction of the selectmen, who shall appoint a chief of police and such other police officers as they deem necessary, and fix their compensation in an amount not in the aggregate exceeding the annual appropriation therefor. In any such town in which such appointments are not subject to chapter thirty-one, they shall be made annually or for a term of years not exceeding three years, as the selectmen shall determine, and the selectmen may remove such chief or other officers for cause at any time during such appointment after a hearing. The selectmen may make suitable regulations governing the police department and the officers thereof. The chief of police shall be in immediate control of all town property used by the department, and of the police officers, who shall obey his orders.

ⁱⁱ SECTION 3.1.2.A POLICE AND FIRE COMMISSIONERS

In accordance with and to implement the Select Board Members' responsibilities under applicable laws, the Select Board shall bear the titles "Police Commissioners" and "Fire Commissioners" when exercising their responsibilities relating to the town's Police Department and Fire Department, respectively. The Select Board Members' responsibilities and authority are not enhanced, diminished, or altered in any fashion from those that exist under applicable Laws by virtue of bearing such titles, nor shall the Board be involved in the day-to-day administration, operations or management of the Police and Fire Departments.

ⁱⁱⁱ TM Action – May 2010

ARTICLE 10

To see if the Town will amend the By-Laws of the Town of Brookline by amending our current By-Law for "BOARD OF SELECTMEN, §3.1.2, General Authority, The Selectmen shall exercise general supervision over all matters affecting the general and financial interest and welfare of the town" by adding immediately afterwards the following new provision:

*§ 3.1.2.A, Police and Fire Commissioners: In accordance with and to implement the Selectmen's responsibilities under applicable Laws, the Selectmen shall be **designated** both "Police Commissioners" and "Fire Commissioners," and shall be responsible, inter alia, to **make suitable regulations and policies** for the Police and Fire Departments.*

or act on anything relative thereto.

^{iv} TM Action – November 2010

ARTICLE 5

To see if the Town will amend the By-Laws of the Town of Brookline by amending our current By-Law for "Board Of Selectmen, §3.1.2, General Authority, The Selectmen shall exercise general supervision over all matters affecting the general and financial interest and welfare of the town" by adding immediately afterwards the following new provision:

§ 3.1.2.A, Police and Fire Commissioners: In accordance with and to implement the Selectmen's responsibilities under applicable laws, the Selectmen shall bear the titles "Police Commissioners" and "Fire Commissioners" when exercising their responsibilities relating to the town's Police Department and Fire 3 Department, respectively. The Selectmen's responsibilities and authority are not enhanced, diminished, or altered in any fashion from those that exist under applicable Laws by virtue of bearing such titles, nor shall the Board be involved in the day-to-day administration, operations or management of the Police and Fire Departments.