

Select Board Committee on Policing Reforms¹

Summary of Recommendations for the Select Board Public Hearing

A B S T R A C T:

The Select Board Committee on Policing Reforms and a parallel Task Force to Reimagine Policing grew out of the period of intense ferment in the country as a result of recurring incidents of police misconduct against people of color in cities across the nation. This ferment reached a crescendo on May 25, 2020 when a Minneapolis police officer kneeled on the neck of George Floyd, a Black man, for nearly ten minutes, killing him. That incident and numerous others before and after it precipitated a reckoning on racial injustice in the United States. As a result many local, state, and federal bodies introduced proposals to address policing and police misconduct. In Massachusetts, legislation to reform policing was signed by Governor Baker on December 31, 2020: “An Act Relative to Justice, Equity, and Accountability in Law Enforcement in the Commonwealth,” Chapter 253 of the Acts of 2020. In Brookline the work of this Committee and the Task Force will be submitting locally relevant proposals for consideration by the Select Board.

This Committee organized its work into five Subcommittees. Each Subcommittee addressed specific issues with the goal of improving the delivery of services provided by the Brookline Police Department in their

¹ MAKEUP OF THE COMMITTEE. The Committee was intentionally organized to include racial and gender diversity, a diversity of life and professional experiences, and a diversity of viewpoints. Such diversity results in the creative tension that increases the potential for success of any undertaking.

Members include: individuals who have had negative experiences with police and a member of the police department, individuals who are deeply involved in Democratic politics and in local Republican politics, individuals who are ardently secular and who are from faith institutions that inform their approach to policing reform, individuals with technical and research skills and understandings, including current academic research in policing, and individuals with a range of professional expertise, including a lawyer who has litigated civil rights cases against the police and a retired judge who presided over such cases, lawyers long involved in social justice litigation and client services, and a former Commissioner of the State Department of Mental Health.

The Committee started without agreement on key issues of our Charge and does not have unanimous agreement at the end. But the creative tension mentioned above has enabled us to produce a report with important and implementable recommendations to improve policing in Brookline.

traditional policing functions and in the non-traditional roles and responsibilities they have been asked to take on for a variety of reasons. The Subcommittees have also identified some functions performed by the police that can safely and effectively be transferred to non-police bodies. The Accountability Subcommittee has proposed to the Select Board a Police Commissioner Advisory Committee (PCAC). The PCAC will enhance the powers of Select Board members in their roles as Police Commissioners and strengthen civilian oversight of the BPD in a manner that is appropriate to the Brookline reality.

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Public comment is requested on the following reforms that the Committee has implemented or is requesting the SB to vote approval. In addition, the Committee has identified many recommendations to the police department and other Town departments to consider for improvements that are listed in the slides presented to the Select Board at its [March 2 Meeting](#). The Subcommittee on Civil Rights, Militarization, and Mass Events has also [responded to questions](#) presented by community members and will also respond to additional questions received

Implemented Reforms to be Acknowledged and Endorsed by the Select Board

1. Chokehold ban (was voted by the Select Board at a public hearing and implemented by the BPD)
2. Improvement to accessibility of online civilian complaint form
3. Creation of [Draft Brookline Police Civilian Feedback Form](#) for police interactions
4. Revised oath of office to include upholding the Constitution of the United States
5. Homelessness Task Force

Major Reforms to be Presented to the Select Board with Summary Background Information for a Vote

1. To establish a [Police Commissioner Advisory Committee](#) to assist the Select Board, in their role as Police Commissioners, to provide effective civilian oversight of the police department (see summary below)
2. To request the Town Administrator budget new staff positions and initiatives recommended by the Committee in his fiscal year 2022, 2023, or 2024 budget, as appropriate -
 - a. Town funding for a part-time person in Department of Health and Human Services (DHHS) to assist with services to the homeless population
 - b. Town funding for the Office of Diversity, Inclusion, and Community Relations for a Liaison to assist complainants under the civilian complaint policy and provide staff support to the PCAC.
 - c. Town funding for the existing full-time social worker in the police department when their grant funding ends
 - d. Town funding for an additional full-time social worker to sit in either the Department of Health and Human Services or the Brookline Police Department to support police responses to mental health and substance use calls, provide follow up services to such calls, and assist the current police department social worker
 - e. Town funding for a full-time or part-time data input person and/or data analyst, as determined to be necessary by the police chief, to ensure efficient input and distribution of data on police activities such as traffic stops, field interrogations, and arrests
 - f. Town funding for a benchmark study to enable the PCAC to assess the extent of disparate treatment of people of color in vehicle stops in order to facilitate changes to reduce that disparity
3. To request the Human Resources Department study BPD officer compensation and education incentives relative to peer communities

and evaluate whether current policies are a barrier to retaining highly qualified and diverse personnel.

4. To request that the Town Administrator begin immediate discussions with Acting Police Chief Mark Morgan whether to recommend to the Select Board the appointment of Chief Morgan as interim chief in order to provide additional stability in the Police Department
5. To instruct the Police Chief to begin to back-fill existing and created vacancies at the Superintendent, Deputy Superintendent, Lieutenant, and Sergeant positions to ensure the efficient operations of the Department, promote retention, and encourage greater gender and racial diversity in supervisory positions.
6. To request the Town Administrator to (1) weigh the merits of leaving Civil Service including discussions with police and fire unions and (2) if warranted, begin the process of leaving civil service
7. To recommend to the Housing Authority Commissioners the continuation the Walk and Talk program in the Brookline Housing Authority and to the School Committee the continuation of the School Resource Officers in the Brookline Public Schools with additional requirements proposed by the Community Outreach, Youth, and Non-Traditional Roles Subcommittee
8. To approve the continuance of the work of the Committee to -
 - a. Complete the revision of the civilian complaint policy
 - b. Complete the review and analysis of the survey of police department sworn and civilian employees and report to the Select Board
 - c. To follow up with respondents to the survey of Brookline Housing Authority residents and with the Teen Center to capture more input from youth and families, particularly people of color, on the Walk and Talk program and general attitudes toward and experiences with the Brookline Police Department

Discuss Possible Joint Recommendations with the Task Force

Representatives from the Committee and the Task Force to Reimagine Policing will meet to identify areas where our proposals are aligned and where we can present unified recommendations to the Select Board

Explanations

PCAC

Central to the proposals of the Policing Reform Committee is the Police Commissioners Advisory Committee (PCAC). The Accountability Subcommittee recognized that the civilian Select Board has significant powers as Police Commissioners under state law -- including the power to implement police policies, to hire, suspend, demote, fire for just cause police employees, and hold disciplinary hearings with subpoena power. However, the Select Board is constrained by myriad issues vying for its attention and limited resources. The PCAC would assist Select Board members in providing an effective additional layer of civilian oversight of the Brookline Police Department (BPD) and to serve as ombudspeople and public advocates on policing issues. Professor McDevitt endorses the recommendation and not an independent citizen review board as the appropriate structure for Brookline.

In addition to the Brookline PCAC, the Peace Officers Standards and Training (POST) Commission, a new independent state agency, established by the police reform bill signed into law on December 30, 2020 would have broad powers to oversee and investigate police complaints and sanction officers who commit egregious acts of misconduct from suspension to decertification.

The Select Board will appoint the five voting members of the PCAC who must be residents with lived and professional expertise in policing and related issues. Members must be committed to assisting the Select Board and the BPD to ensure fair and equitable policing in Brookline and, in so doing, promote public trust and confidence in policing.

The voting members must demonstrate an ability to make critical, independent, and fair judgments on the policies and practices of the BPD. Voting members shall neither be a current employee of the Town nor an immediate family member of a current BPD employee. Membership is expected to have racial and economic diversity, including the perspectives of communities that have suffered from inequitable treatment by policing in America.

There will also be five non-voting members. Four non-voting members shall be Town staff representing, respectively, the Office of Diversity, Inclusion, and Community Relations, the Human Resources Department, Town Counsel, and the Police Department. There shall also be a non-voting member designated by the Brookline Police Union. The Diversity Office shall coordinate Town staff in assisting the Committee.

Responsibilities include (but are not limited to) the following:

- Determining extent and cause of racial and other disparities in vehicle stops using a reliable benchmark and improved data from BPD
- Reviewing the Police Manual on an ongoing basis and developing and advocating for equitable policing policies for the Select Board to implement.
- To review calls/activity being performed by the Police Department that may be better served by more appropriate Town agencies, such as abandoned bikes, leaf blower enforcement, snow removal violations, etc., and file warrant articles, if necessary, in the fall Town Meeting, including funding for such shifted work.
- Advising the Select Board on priorities for upcoming bargaining with the Brookline Police Union that relate to fair and equitable policing.
- Reviewing internal investigations of civilian complaints for patterns indicative of policy issues; correcting deficiencies in internal investigations; helping complainants appeal to the Select Board as necessary; and advising the Select Board of the need for external investigations into complaints.
- Holding regular public hearings to review BPD annual reports and receive input from the public.

The Committee's responsibilities are described in detail in the proposed Charge. Further explanation for the proposed PCAC can be found in the Explanation section of the PCAC's Charge. [\[link\]](#)