MINUTES

SELECT BOARD

02/16/2021

Present: Select Board Member Bernard W. Greene, Select Board Member Nancy S. Heller, Select Board member Heather Hamilton, Select Board Member Raul Fernandez, Select Board Member John VanScoyoc

6:00pm - remote participation meeting via the zoom virtual meting platform. A recorded meeting.

ANNOUNCEMENTS/UPDATES

CONGRESSIONAL REPRESENTATIVE INTRODUCTION AND UPDATE

Introduction and congressional update from Congressional Representative Jake Auchincloss.

Chair Greene gave a brief introduction.

Congressman Jake Auchincloss reviewed that he was a City Councilor in Newton for 5 years prior to his election. He represents districts with very different issues. He gave a brief update in the atmosphere in Washington right now which is an incredibly divided and toxic environment. The GOP is not a partner now. Portions of congress are conspiring to undermine free elections. There is not any unity with those elements and we need to focus on accountability and justice.

Transportation and Infrastructure:
We need to move past single occupancy vehicles that are the focus of our infrastructure and towards multimodal thinking from everything from cycling, walking and scooters towards buses and fixing the rail system. He serves on the Transportation Infrastructure committee. We got the American rescue plan and then next up is and should be an infrastructure package. And then also investing in transit and recognizing that that's not just an infrastructure imperative. It's a climate change imperative. Transportation accounts or something like 40% of the carbon emissions in Massachusetts. We are going backwards on our carbon neutrality goals. We've got to be investing things like South Coast Rail, bus rapid transit and better infrastructure for cycling and walking.

COVID 19:
The Biden Administration is presenting a $1.9 trillion rescue plan that will provide huge sums of money to families, small businesses, state and local communities and to fund vaccine supplies and PPE materials. The road to win the race is to vaccinate. On the Covid vaccine and when the groups will start expanding Rep Auchincloss reviewed that is the question of the day. First we need the supply and then the distribution. He just signed onto a letter from the Mass delegation employing Governor Baker to set up a one stop shop vaccination process. We should be able to do this on a website right now; I do feel this is improving. We need to compliment a mass vaccination approach with local clinic town by town.

What is the president thinking about in terms of supplying the vaccine worldwide?
Right now there is just enough vaccine to procure the United States. At this point it looks like Africa will not be able to get the vaccine until 2024. That a humanitarian catastrophe and the problem is the virus will keep mutating.

14th Amendment:
The 14th Amendment is obviously to sit with one of the Civil War amendments. That was critical for codifying equality in our country, but it specifically says in section three, if you swear an oath to the Constitution; you cannot that incite an insurrection against the US government. It was a way to keep former Confederate officers out of Congress, ironically enough, and what Donald Trump did is really self-evidently a violation of the 14th Amendment, and it wasn't a matter of has it been used in the past to prevent federal officials from holding office in the future if they were in violation of it, but what I have called for is that we pass as a resolution of Congress, a statement that Donald Trump incited an insurrection, and thereby violated the 14th Amendment and then under the auspices of section three. He therefore has been prohibited from being voting into office again in the future. That will get challenged in the courts. There's no doubt about it. It's going to be up to the Supreme Court to rule on it.

Education:
We first campaigned on expanding pre-K, in Newton; we need to do it. Childcare is infrastructure. I am in strong support. Schools are not open now. Brookline schools are not open now, and I applaud you to continue to grind away. Surveillance testing is an issue to provide public health and a tool to give people confidence and feel safe to get back to full time, in-person schooling. We need the kids back full time no later than September across the state.

Housing policy, disinvestment in public housing inability to fund new units:
There is a lot there and this is a major issue in Brookline and in Newton. The Green New Deal, I support it. We basically take a jobs program to help retrofit housing stock throughout the country and apply it to our carbon neutrality goals. I think that's good in a number of fronts. It's an important jobs program that you can upscale a huge part of the workforce with and it saves both homeowners themselves in terms of energy dollars, but also promotes sustainability. So I am a strong supporter of that. I think there are fixes to Section 8 in general in terms of making it easier to go into their homeownership program where you earn equity in the unit that you're in. I do want to point out, though, that I don't think that housing in this country is mostly or even primarily a federal funding issue. There is actually a ton of private capital that wants to work to build housing in this country, but we make it very hard. We make it really hard to build housing in this country, there is a layer of federal, state, local, permitting challenges and our transportation infrastructure doesn't always support it.

Capitol Hill Safety issues after the January 6, 2021 insurrection:
I am concerned that our reaction to it is by militarizing the capital, and that is the wrong action to take. Right now we've got this fencing with barbed wire over it. It's being patrolled by guards with automatic weapons. The whole place feels like a green zone, and that's not the posture that we want the US Capitol to have. We want the US Capitol to have journalist's constituents' taxpayer's advocates, to feel safe coming into that building so they can come see their representatives. It is meant to be permeable to the public, and I don't want us to lock it down and make it feel hostile to people. I don't think that's fair.

I do want to take this moment to introduce my district director Dana Hanson. Ms. Hanson introduced herself and provided her contact information.

PUBLIC COMMENT

1. Neil Gordon: TMM#1 spoke on statements the Diversity, Inclusion and Community Relations Commission took last week at the meeting. He feels those statements that are critical of select board members and condemning them as racist, the President of the police union, a long serving female police sergeant or acting police chief and our moderator Gadsby were drafted hastily with exaggerations and fact less conclusions. He also spoke on the language on their agenda feeling it was too vague.
2. Deborah Brown: spoke on last week's audit report review and she wished the Board took the time to offer more questions and delayed the voted so the information could be thoroughly adsorbed. She also expressed concerns that the budget will address the need for safe affordable housing. Wi-Fi access at the Brookline Housing Authority continues to be absent from the budget.
3. Jonathan Klein: TMM#10 and member of the Housing Advisory Board spoke in support of the Housing Production Plan that will be presented as draft A later tonight. It is important to stay focused of a Housing Production plan as the goal.
4. Chair Greene updated the Board on recent efforts by the Veterans Director Bill McGroarty where he encountered a WWII veteran during a welfare check. Alan Seroll served in the Pacific and is 105 years old, living in precinct 13. We salute Mr. Sorel and thank you for your service.
5. Board member Fernandez spoke on the passing of Doris Bunte, the first black woman elected to be a state representative and the first black woman to run the Boston Housing Authority. She was an advocate, community activist and public servant. Ms. Bunte was 87 years old and lived in Brookline in her later years.
6. Board member VanScoyoc spoke on the turbulent times during the integration of Boston's Public Housing and Doris stepped into that. He wished Elinor Kaplan a happy 100th birthday. He gave a brief review of her and her late husband Sumner's achievements within state and local government. He then presented a slide from Metco students expressing their feelings surrounding the pandemic, remote learning and racial civil unrest. Their words are saddening and families are really struggling with remote leaning.

MISCELLANEOUS

Question of approving the meeting minutes from February 9, 2021.

On motion it was,

Voted to approve the minutes of February 9, 2021 as amended.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

GRANT
Question of accepting a State Fiscal Year 2021 Community Transit Grant Program award for the Digital Mobility Mentorship program in the Department of the Council on Aging in the amount of $66,400.

On motion it was,

Voted to accept a State Fiscal Year 2021 Community Transit Grant Program award for the Digital Mobility Mentorship program in the Department of the Council on Aging in the amount of $66,400.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

AMENDMENTS

Question of approving the following amendments for the Cypress Playground Construction Services:

1. Award and execute the Construction Administration contract to Weston and Sampson Engineers, Inc, to assist the Town in construction oversight of Contract PW/20-15, for the Cypress Street Playground project, in the total amount of $96,000.00

2. Award and execute Contract No. PW/20-15 "Cypress Street Playground" with Heimlich Landscape and Construction Corp., 65R Burlington Street, Woburn, MA, 01801, in the amount of $5,263,523.00

On motion it was,

Voted to approve the following amendments for the Cypress Playground Construction Services:

1. Award and execute the Construction Administration contract to Weston and Sampson Engineers, Inc, to assist the Town in construction oversight of Contract PW/20-15, for the Cypress Street Playground project, in the total amount of $96,000.00

2. Award and execute Contract No. PW/20-15 "Cypress Street Playground" with Heimlich Landscape and Construction Corp., 65R Burlington Street, Woburn, MA, 01801, in the amount of $5,263,523.00

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

AMENDMENT

Question of approving Amendment #1 to contract PW/19-15 with Stantec Consulting Services, Inc., in the amount of $14,800, for construction phase services specific to lighting and electrical engineering on the Carlton Street Footbridge Rehabilitation project.

On motion it was,

Voted to approve Amendment #1 to contract PW/19-15 with Stantec Consulting Services, Inc., in the amount of $14,800, for construction phase services specific to lighting and electrical engineering on the Carlton Street Footbridge Rehabilitation project.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

CONTRACT

Question of approving construction phase services contract PW/21-11 with Kleinfelder Engineering, in the amount of $191,301, for structural and civil engineering required of the Carlton Street Footbridge Rehabilitation project.

On motion it was,

Voted to approve construction phase services contract PW/21-11 with Kleinfelder Engineering, in the amount of $191,301, for structural and civil engineering required of the Carlton Street Footbridge Rehabilitation project.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

ALTERNATE MANAGER
Question of approving the application of Alternate Manager, Xuan Jiang, for PCTERRACE LLC d/b/a Noah's Kitchen at 18 Harvard Street.

On motion it was,

Voted approve the application of Alternate Manager, Xuan Jiang, for PCTERRACE LLC d/b/a Noah's Kitchen at 18 Harvard Street.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

CHANGE IN D/B/A
Question of approving the application for a change in D/B/A from Rue De Saveur, LLC. d/b/a Rue De Saveur to Rue De Saveur, LLC. d/b/a vomFass at 305 Harvard Street.

On motion it was,

Voted to approve the application for a change in D/B/A from Rue De Saveur, LLC. d/b/a Rue De Saveur to Rue De Saveur, LLC. d/b/a vomFass at 305 Harvard Street.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

AUTHORIZATION TO HIRE

Question of approving the authorization to hire request for the following positions in the Department of the Council on Aging:
Van Driver
Program Manager (T-5)
Home Care Coordinator (T-3)
Group Leader (GN-2)

On motion it was,

Voted to approve the authorization to hire request for the following positions in the Department of the Council on Aging:
Van Driver
Program Manager (T-5)
Home Care Coordinator (T-3)
Group Leader (GN-2)

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

CALENDAR

COVID-19 UPDATE

Update on the status of COVID-19 in Brookline.

Dr. Jett, Director of Health and Human Services gave a brief update as of Feb. 15 (increase since Feb. 12 update in parentheses):

Total Positive Cases: 1,831 (14)
Deaths: 94 (0)
Total Probable Cases: 180 (5)
Total Quarantined (not sick): 1,420 (5)
Suspected Cases: 71 (0)
Released from Quarantine: 713 (6)
Released from Isolation: 1105 (9)

- We are in the middle of an outbreak of the virus in several daycares with the average age being 5 years old. There have been 48 cases.
- Contract tracing efforts are helping
- Vaccine distribution has been predetermined.
- Implemented conservative restrictions to address those that travel
- Noticing people have lingering covid fatigue and many are not calling back after quarantine to update on their conditions. How can we stop citizens from doing what they want to do?
- Research possible mobile vaccine clinics once it is available
- Seniors beware of accepting rides from a stranger to vaccine sites. Please try to get a ride from someone you know

LODGING HOUSE - CHANGE IN LODGING HOUSE AGENT

Question of approving the application for Lodging House Agent Jephte Jeanniton for Longwood Guest House at 83 Longwood Ave.

Applicant Jephte Jeanniton was present. Board member Heller noted that the neighbors would like to have access to the agent's contact information easily. Town Administrator Kleckner responded that they are in the middle of an audit of the lodging houses and the intent to have the information on the Town's website.

On motion it was,

Voted to of approve the application for Lodging House Agent Jephte Jeanniton for Longwood Guest House at 83 Longwood Ave.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

CHANGE IN MANAGER - THE INN AT BROOKLINE

Question of approving the application of a Change of Manager from Anthony Adianto to Mohamed Hashesh for CCLLH, LLC d/b/a Holiday Inn Boston Brookline at 1200 Beacon Street.

Attorney Steffani Boudreau gave a brief review of the application and Mr. Hashesh's qualifications.

Mr. Hashesh introduced himself and reviewed that their policy is to ask for identification of everyone ordering an alcoholic beverage. He is familiar with Brookline's liquor policy.

On motion it was,

Voted to approve the application of a Change of Manager from Anthony Adianto to Mohamed Hashesh for CCLLH, LLC d/b/a Holiday Inn Boston Brookline at 1200 Beacon Street.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

COMMON VICTUALLER - CHANGE IN D/B/A & HOURS

Question of approving the application for a change in D/B/A from SLH Restaurant LLC. d/b/a The Brothers Restaurant to SLH Restaurant LLC. d/b/a Vello Restaurant Bar at 404 Harvard Street.

Question of approving the application for a change in Common Victualler hours for SLH Restaurant LLC. d/b/a Brothers Restaurant at 404 Harvard Street.

From: Monday to Thursday 11:00AM – 10:00PM, Friday 11:00AM – 11:00PM, Saturday 7:00AM – 11:00PM and Sunday 7:00AM – 10:00PM

To: Saturday – Sunday 7:00AM – 12:00AM

Attorney Frank Ravinal reviewed that after some consideration and to be more in line with the Latin flavor of the restaurant the owners felt that a name change was appropriate.

The board discussed the midnight closing request. It was noted that if any problems arise from the neighbors the hours can be adjusted. There have not been any complaints from this establishment in the past.

On motion it was,

1. Voted to approve the application for a change in D/B/A from SLH Restaurant LLC. d/b/a The Brothers Restaurant to SLH Restaurant LLC. d/b/a Vello Restaurant Bar at 404 Harvard Street.

2. Voted to approve the application for a change in Common Victualler hours for SLH Restaurant LLC. d/b/a Brothers Restaurant at 404 Harvard Street.

From: Monday to Thursday 11:00AM – 10:00PM, Friday 11:00AM – 11:00PM, Saturday 7:00AM – 11:00PM and Sunday 7:00AM – 10:00PM
To: Saturday – Sunday 7:00AM – 12:00AM

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

COMMON VICTUALLER/ENTERTAINMENT LICENSE

Question of approving the application of a new Common Victualler for SYS, LLC d/b/a Dolma Mediterranean Cuisine at 5 Kendall Street. Hours of operation will be Monday –Sunday 7:00 am to 12:00 am. Seating will consist of 16 seats.

Question of approving the application of a new Entertainment for SYS, LLC d/b/a Dolma Mediterranean Cuisine at 5 Kendall Street. Entertainment will consist of radio and recorded music Monday –Sunday 7:00 am to 12:00 am.

Applicant Selim Gurel was present.

Chair Greene noted that some neighbors have expressed some concern on the midnight closing hour.

Amie Lindenboim said she is excited for this establishment to open but does have some concerns with the late closing hour due to the proximity to neighbors. She hopes they could scale back the hours at first to see how it goes.

Neil Wishinsky, TMM#5 welcomed the business, but also noted the later closing hour. He reviewed neighboring restaurants that close prior to 10:00 pm.

Mr. Gurel responded that he has no problem being align with the other businesses. He will close at 10:00 pm in the beginning, and if things go well, he may request a later closing time.

On motion it was,

1. Voted to approve the application of a new Common Victualler for SYS, LLC d/b/a Dolma Mediterranean Cuisine at 5 Kendall Street. Hours of operation will be Monday –Sunday 7:00 am to 10:00 pm. Seating will consist of 16 seats.

2. Voted to approve the application of a new Entertainment for SYS, LLC d/b/a Dolma Mediterranean Cuisine at 5 Kendall Street. Entertainment will consist of radio and recorded music Monday –Sunday 7:00 am to 10:00 pm.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez. John VanScoyoc

FY2022 FINANCIAL PLAN

Town Administrator Melvin Kleckner and Deputy Town Administrator Melissa Goff presented the FY2022 Financial Plan.

Highlights:

- The FY22 Financial Plan represents the second year of using a new integrated budget tool called OpenGov
- FY 2022 Budget represents a “Recovery Budget” Gradual recovery of revenue loss
- Capital Budget represents 7.9% of prior year net revenue

- New Debt Exclusions
- Enterprises are up by 5.3%
- Reserves and long-term liability funding meet goals
- Goal of 10% in unreserved fund balance
- Full pension funding
- Deferral of increased OPEB contributions
- No federal stimulus for operating budget
- Establish Racial Equity Advancement Fund with $500,000 endowment from HCA funding

REVENUES (State Aid)

State Aid: $22.8 million, up 1.8%

- UGGA increases $236K (3.5%) and reflects the Governor's commitment to tie Local Aid to consensus revenue projection
- Chapter 70 increases $206K (1.4%)
- Brookline is now a minimum aid (17.5%) community
- Further evaluation of budget as legislature presents State Aid

Review of revenues (Local Receipts)

- Local Receipts: $23.9 million, down $412K, 1.7%

Review of Free Cash

- Free Cash: $10.4 million
- Total certified Free Cash is $13,001,890. Remaining balance is left unappropriated to support our Unreserved Fund Balance
- Additional support for CIP ($457K)
- Stabilization Fund ($2.89M)
- Affordable Housing Trust Fund ($81K)
- HCA surplus ($862K)
- Free Cash limited to one-time funds

Review of Expenditures (Schools)

Review of Expenditures (Municipal departments)

Review of FY2022 Policy Issues & Initiatives

Review of Capital Improvement program

Review of long-range financial plan

- Police reimagining reform committee is doing a thorough job and will come forward with recommendations
- Sustainability and climate action; we are actively seeking a Sustainability Director.
- Human and social services, we need to determine long-term funding because historically some of these services were not locally funded.

Q&A

Vice Chair Hamilton noted that the School Committee voted for something other than what we have provided funding for them; it is $4 million above what we have budgeted for the schools.

Town Administrator Kleckner replied that not override is not assumed in the budget, those funds would have to come from somewhere and he stands by his allocation. It is up to Town Meeting to consider the funding. He has assumed no general wage increases on the municipal side of the budget.

Board member Fernandez asked about the meter fees and if there is any plans to revisit an increase

there. He would also like to see how we are prioritizing equity into the CIP.

Melissa Goff, Deputy Town Administrator replied that meter fee increases are not built into the budget estimates. It is difficult to determine what that means in a low economic activity environment.
CIP projects move along after consulting with the department head before making any adjustments because they know what the process has been and what the priorities are and the urgent needs in the system.

Board member Heller asked about Debt Service
Ms. Goff responded that $21 million is the debt exclusion number that was what was shown in the levy picture; this is because some school projects are kicking in now and the Newbury site. I believe it went from $13 million in FY21 to $21 million in FY22.

Board member VanScoyoc asked about the FTE (full time employees) increases and decreases in the budget. Is it possible to go department by department to see what they are getting; what's the increase or decrease in the departmental budgets. Also who is tracking the school department's FTE's as they compare to enrollment numbers, because it seems glaring that we had an enrollment dip of nearly 1000 students last year and now we're hearing that we're going to need an additional five to six million over and above what we spent last year.

Town Administrator Kleckner responded that they identify a bottom line budget which Town Meeting approves, yes it is true we need to understand the school's budget, I am sure the Advisory Committee will be diving deep into that.

Ms. Goff added that section 2 in the interactive budget has those numbers you are looking for.

Board member Fernandez asked how they would like to receive feedback from boards and commissions on budget related issues.

Mr. Kleckner responded that hearing and listening sessions are a good tool, plus we will hear from every department during the budget process. As well as the Advisory Committee's budget process.

The Board noted that this presentation was just received and they will take the time to dig in and fully review the budget.

HOUSING PRODUCTION PLAN

Continued discussion and possible vote on the scope of work of the Housing Production Plan.

Joe Viola, Assistant Director of Planning and Community Development reviewed the submitted memo to the board:
As you recall, the Planning Department and Chair of the Housing Advisory Board were before you on January 26th to present a draft Request for Proposals (RFP) to engage a consultant to develop a Housing Production Plan (HPP), the purpose of which is two-fold: 1.) meet the requirements of the Department of Housing and Community Development in order to secure certification of the plan if and when the Town is eligible for a temporary safe harbor from c. 40B and 2.) provide a strategic five-year plan to produce market and affordable housing. Broad public participation is integral to the plan preparation.
The Select Board was generally supportive of the draft, but two members requested some modifications

relative to impact analysis and disadvantaged businesses. The Planning Department, with input from Town Counsel's Office, has attempted to respond to the request for modifications, and have proposed changes, identified with "track changes" in the attachment labeled "Draft A." Similarly, Select Board Member Heller has submitted changes relative to impact analysis, as requested by the Chair; her proposed changes are set forth in "track changes" in the attached version, labeled "Draft B."
We are providing the two drafts in order to frame the Board's discussion. The Planning Department is respectfully requesting direction from the Board so that we may insure that the final RFP reflects the Select Board's position on the Scope of Work.

Select Board member Heller reviewed that the concern is the Planning department started this process months ago, before Article 34 passed at town Meeting. Article 34 asks that the Town does a comprehensive plan about housing in general and impact review before embarking on a program. What concerned her is the draft talked about market rate housing and in the past we always focused on affordable housing, we should be doing that. I don't want the HPP to be contradictory to article 34 that was passed by Town Meeting. The HPP cannot supersede article 34; we can't undercut that.

Planning Director, Alison Steinfeld, added that the difference between version A and version B is version A is really a housing production plan that is focused on how to produce housing and it is consistent with the state guidelines; it has a twofold approach. One is to provide the opportunity, if approved by the state to offer us a potential safe harbor right from 10% if we qualify, and secondly is to tell the town, how to produce housing and from our perspective version B can ultimately be a housing production plan, but first and foremost seeks to address the question, does the town want more housing and if so let's identify the impacts first and then consider production. To me that those are the two fundamental distinctions and we need to know how this board wants us to proceed. I think version B does require more analysis than perhaps the planning department and the HAB had expected to do.

Jennifer Raitt, Housing Advisory Board (HAB) member added that this is really meant to be a proactive strategy for planning and developing housing that is the core of what a housing production plan is about. It seems rather obvious because it's called a housing production plan, but it's doing everything that the Planning staff has put together in this draft RFP, which is to really assess the needs and demand by looking at the existing and projected demand. She also noted that a regional plan production will be coming out soon and that information will be helpful in the planning.

Linda Pehlke, TMM#2 noted that the discussions around article 34 was that people did not feel comfortable setting a policy for the town to significantly increase the amount of housing until they understood all the impacts, physical, revenue, lifestyle, businesses, the whole nine yards. This is not going to become a comprehensive plan simply by the fact that it's only about housing. She added if we don't do the direction of Article 34 now we will have to do it later.

Housing Advisory Board Chair, Roger Blood added that the petitioners of Article 34 started out all about housing and productions before all the amendments were added. There is a lot in the existing RFP about impact and community engagement is going to open up a very open ended with extensive input from all stakeholders in the community about impact to the community. The HAB supports version A. we are talking about housing planning versus comprehensive planning, and the added language will add the time to complete this study and likewise the cost.

Board member VanScoyoc added that this might be an object lesson on what can go wrong when people try to go through Town Meeting when it should have been left to the planning department to figure out.

Someone had the idea that they would not be happy with the outcome so drafted an article to dictate what it should be; now here we are.

Michael Zoorob, submitted that Article 34 explicitly mentioned subsidize low income housing and workforce housing developed through various means including developer incentives and inclusionary zoning and market rate housing. How can you remove these great housing options, and be consistent with Article 34.

Ms. Steinfeld added that you can't do a true HPP and incorporate all of Article 34 into it.

On motion it was,

Voted to approve option A - Request for Proposals Housing Production Plan Consultant as submitted by the Planning Department.

Aye: Bernard Greene, Heather Hamilton, Raul Fernandez. John VanScoyoc
Against: Nancy Heller

BOARDS AND COMMISSIONS - APPOINTMENTS

The following candidates for appointment/reappointment to Boards and Commissions:

Small Business Development Committee
Committee on Policing Reforms Small business

Small Business Development Committee

There are currently six vacancies on this committee.

On motion it was,

Voted to appoint the following members to the Small Business Development Committee:

1. Tracy Chen
2. David Gladstone
3. Jenn Mason
4. Leyroy Watkins
5. Andrew Weiner
6. Colleen Suhanosky

Committee on Policing Reforms

The Board discussed whether the applicant should be interviewed or not. Board member Fernandez felt that if this committee is to be ongoing any applicants should go through the interview process. Chair Greene indicated that he feels the committee will last only a few weeks longer, and at the start these members were appointed by the Chairs and no interview process was done. The Board did approve the candidate list. The board may look at how they proceed should this committee continue further than anticipated.

On motion it was,

Voted to appoint Sassan Zelkha to the Committee on Policing Reforms

There being no further business, the Chair ended the meeting at 10:00 pm.

ATTEST

MINUTES

SELECT BOARD

02/23/2021

Present: Select Board Member Bernard W. Greene, Select Board Member Nancy S. Heller, Select Board member Heather Hamilton, Select Board Member Raul Fernandez, Select Board Member John VanScoyoc

5:30 pm Remote, recorded meeting using the ZOOM virtual meeting platform

OPEN SESSION

Question of entering into Executive Session for the reasons stated in items 2 and 3.
Chair Greene declared that the board will enter into executive session to discuss strategy sessions in preparation for negotiations with nonunion personnel or to conduct contract negotiations with nonunion personnel - Fire Chief John Sullivan, and to approve/review executive session minutes. The board will reconvene on open session.

On motion it was,

Voted to enter into executive session.

EXECUTIVE SESSION - PERSONNEL

Executive session for the purpose of conducting strategy sessions in preparation for negotiations with nonunion personnel or to conduct contract negotiations with nonunion personnel - Fire Chief John Sullivan.

ANNOUNCEMENTS/UPDATES

Chair Greene noted some interesting materials in the Brookline Historical Society's website relating to Brookline's slave holders and anti-slavers. Anti-slavers had servants that could have been slaves; this is interesting research.
Board Member Heller: Updated that National Grid has made an interactive gas leaks map with up to date data.
Vice Chair Hamilton updated on the Bridle Path. The feasibility study is on its way and there is a meeting tomorrow evening.
Board member Fernandez announced that Friday, the Florida Ruffin Ridley school renaming ceremony will take place virtually.
Brookline Woman of the year nominees are now open. Please visit the Commission for Women's website for more details.
Board member VanScoyoc noted that the Preservation Commission will be proposing a Green Hill historic district around the home and studio of famed architect, Henry Richardson.
Hidden Brookline has materials on Florida Ruffin Ridley and has expanded their materials to include the Wampanoag Tribe.

PUBLIC COMMENT

1. Donelle O'Neal TMM#4 noted that this is the last Tuesday in Black History month and acknowledged that Edward Devotion (Devotion School) said, slaves are only equal in spirit not by flesh. Mr. O'Neal read the names of 84 slaves in Brookline. He offered a moment of silence in memory of those named. He also spoke briefly an amendment to a statement letter regarding a police officer in connection to a marijuana establishment report.
2. Ade iJanusi spoke on the $500k Racial Equity Advancement Fund, and offered that it is best to leave the disbursement of it to the Diversity, Inclusion and Community Relations Committee.
He asked who the Town will be partnering with. He thanked the Board for the report on the Sanctuary Medicinals incident and added that they did noted that Sanctuary Medicinals did not report right away.
3. Meggan Levene asked the board if there is any movement on the committee to study article 18, Rank Choice Voting. When will the charge be ready so people can start applying for committee membership?
Vice Chair Hamilton responded that some board members are finishing up with a few committees and then a Select Board member can be identified to Chair the committee.
4. Deborah Brown, TMM#1 spoke on budget equity and there is no place in the budget that deals with issues that significantly impact low income residents. She also asked if there are any people of color deriving any financial benefit to the school project contracts.

MISCELLANEOUS

Question of approving the meeting minutes from February 16, 2021.

The minutes were held.

AMENDMENT

Question of approving Amendment #3 to the contract between the Town of Brookline and Gilbane for extended preconstruction services for the Driscoll School Project in the amount of $140,000.

On motion it was,

Voted to approve Amendment #3 to the contract between the Town of Brookline and Gilbane for extended preconstruction services for the Driscoll School Project in the amount of $140,000.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

CHANGE ORDER

Question of approving Change Order No. 8/PCCO No. 15 to the general construction contract with Skanska for the Brookline High School expansion project in the net amount of $0.

On motion it was,

Voted to approve Change Order No. 8/PCCO No. 15 to the general construction contract with Skanska for the Brookline High School expansion project in the net amount of $0.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

AMENDMENT

Question of approving Amendment No. 6 with Hill International for the Brookline High School expansion project for temporary project representative services in the amount of $161,910.

On motion it was,

Voted to approve Amendment No. 6 with Hill International for the Brookline High School expansion project for temporary project representative services in the amount of $161,910.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

AMENDMENT

Question of approving Amendment 20 for the Brookline High School expansion project with William Rawn Associates for additional construction administration services in the amount of $588,751.

On motion it was,

Voted to approve Amendment 20 for the Brookline High School expansion project with William Rawn Associates for additional construction administration services in the amount of $588,751.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

CONTRACT

Question of approving the contract with NB Kenney for the Brookline High School expansion project for maintenance on the boiler/mechanical equipment replacement in the amount of $3,075,000.

On motion it was,

Voted to approve the contract with NB Kenney for the Brookline High School expansion project for maintenance on the boiler/mechanical equipment replacement in the amount of $3,075,000.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

DECLARATION OF RESTRICTIVE COVENANT

Question of executing the Declaration of Restrictive Covenant by and between the Town and The Residences of South Brookline, LLC (the Owner) and ROSB Realty LLC (the Ground Lessor) for certain property at Hancock Village and in favor of the Town, as contemplated by Condition #17 of the Comprehensive Permit issued to the Owner and filed with the Town Clerk on February 20, 2015, as

amended, and delegating authority to execute the Declaration of Restrictive Covenant to the chair.

Associate Town Counsel. Jonathan Simpson reviewed the document that applies to the grounds underneath the new residence at Hancock Village and the space known as the green belt that precludes any future construction or paving as outlined in the document.

On motion it was,

Voted to execute the Declaration of Restrictive Covenant by and between the Town and The Residences of South Brookline, LLC (the Owner) and ROSB Realty LLC (the Ground Lessor) for certain property at Hancock Village and in favor of the Town, as contemplated by Condition #17 of the Comprehensive Permit issued to the Owner and filed with the Town Clerk on February 20, 2015, as amended, and delegating authority to execute the Declaration of Restrictive Covenant to the chair. *Contingent upon Town meeting approval

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

CALENDAR

COVID-19 UPDATE

Update on the status of COVID-19 in Brookline.

Dr. Jett gave a brief update of the week.

- State sponsored mega centers seem to be the vaccination places right now.
- Brookline Senior Housing properties may receive vaccines next week.
- Some vaccine shipments were recorded to be short in the unit count.
- Testing numbers are down
- Brookline's testing site may be closing due to funding, this is being reviewed
- Mental health associated with the virus continues to be a concern
- Vaccine shortages continue to limit those being vaccinated

FY22 DEPARTMENTAL BUDGET REVIEW

Review of the FY22 Departmental Budgets for the Finance Department, Human Resources and Benefits Department, and the Office of the Select Board.

FINANCE DEPARTMENT

Finance Director, Jeana Franconi began the presentation.

FY22 Objectives

1. Maintain the Town's Aaa bond rating - the highest bond rating attainable.
2. Actively monitor post issuance compliance with federal arbitrage regulations and S.E.C. disclosure requirements and all other State and Federal mandated rules, regulations, and

requirements to avoid penalties and other punitive sanctions.

3. Maintain a prudent debt management program and continue favorable relationships with rating agencies, financial advisors, bond counsel, and the investment community.
4. Maintain a high collection rate for all tax, refuse, and water/sewer bills.
5. Continue to offer customers multiple options for paying bills, including the drop box, mail, telephone, text and online payments.
6. Continue to analyze the Town's cash flow needs and maintain a reasonably safe level of short-term investments in local banks while providing liquidity to ensure timely distribution of all debt service, vendor, and payroll obligations.
7. Research new investment portfolios screened for Environment, Social, and Governance (ESG) issues.
8. Monitor banking service charges and credit card processing fees. Maintain positive relationships with local banks.
9. Continue to monitor the funding strategy for the Town's unfunded liabilities of pensions and other post-employment benefits.
10. Continue to expand the Town's PILOT program.

FY21 Accomplishments

1. Created efficiencies in processing paper checks.
2. Implemented additional payment methods for town transactions.
3. Managed the Town Hall concierge and appointment calendar during the COVID-19 pandemic.
4. Implemented an electronic form/signature platform for employee payroll processes.
5. Continued requesting employees to sign up for direct deposit in payroll.
6. Real estate tax collections at 98%
7. working with the CARES Act funds for town needs and large school projects
8. Managing the new Town Hall concierge

Discussion

Maintaining a AAA bond rating is a significant cost savings based on interest rates

Chief Procurement Officer Dave Geanakakis spoke on the funds earmarked for a disparity study for $30k. This is just enough for seed money, it is not enough to complete the study which is estimated up to $250k. Boston's study cost $1 million, and is being challenged. He explained how the study needs to be performed before policy is made, and noted this is a multiyear approach. He explained the complicated legalities associated with contract awards.

Board member VanScoyoc asked if they really have to wait for the disparity study to look at business engagements. Mr. Geanakakis responded the short answer is yes, Boston was sued millions of dollars for race neutral measures because targeting woman and minority businesses are not allowed. The town can do things to provide incentives for contractors to do businesses with us. You can set goals, but not quotas.

Board member Fernandez asked about breaking down larger contracts to even out the playing field to allow smaller firms to compete.

Mr. Geanakakis said with the large projects with schools, DPW, etc., the Governor signed requirements into state contracts and MSBA contracts. There will be additional requirements on the state level.

Town Administrator Kleckner added that there are a number of non-raced based action we are looking at like reducing the scale of the contract to level the playing field and to find out who is out there and to try to get their attention. We do get a lot from State contracts due to better pricing and they override the bidding process. There is no further requirement to do local bidding making the State a great place to encourage vendors to seek State contracts.

HUMAN RESOURCES

Human Resources Director, Ann Braga began by indicating that their office deals with all employees' both with the town and school from their initial application to leaving. The department is moving from a transactional to transformational department.

Some FY22 Objectives

- As with FY21, Human Resources work will significantly revolve around the operational and fiscal impacts of COVID-19 and social justice issues.
- Work From Home (WFH): Work with departments to identify positions with WFH capacity, work and oversight procedures. Facilitate policy integration across Town departments and unions.
- Re-Imagine and Reform Policing: Assist with implementation of initiatives, policies and procedures related to the work of the groups affecting human resources, as directed by the Select Board and/or Town Meeting.
- CDICR Citizen Complaint Working Group: Continue collaborating with Working Group on updated complaint process that respects employee rights as well as responsibilities to the community.
- Policy & Procedure Review: Continue our self-audit work to review and revise human resources policies, processes and functions, including the prioritization of policies and the creation of a review timeline. Continue to assess best practices regarding Social Media and Drug Free Workplace Policies as regulations develop and technology continues to evolve.
- Compliance and Other Training: Develop effective training and development tools utilizing the new training platforms for training, tracking and management.
- Recruiting: Continue to work with the Office of Diversity, Inclusion and Community Relations to develop a strategic plan to increase town-wide diversity and inclusion efforts in areas of recruitment, hiring, management and governance practices, including additional anti-discrimination training, diversity job fairs, collaboration with other towns and cities and an expansion of our recruitment networks to professional affinity groups.

Benefits

- Benefits up 5.1%
- Projected increase for health Insurance is about 6%.
- Pension 7.2 % group health 3.3%

Discussion

Chair Greene asked about the EAP program as it relates to mental health assistance. Ms. Braga

responded that the program is a referral service though the GIC and is now with extended waits of 4-6 months due to covid related issues.

Vice Chair Hamilton asked about the transportation demand plan.
Ms. Braga responded that they have implemented an MBTA program using a flex spending account. Then covid hit and it was not implemented in FY21 due to low interest in the program and low MBTA ridership.

Board member Fernandez asked about the maternity leave plan and hopes to see a 12 week benefit someday. Ms. Braga agreed that would be a great benefit and explained their various leave plans that includes accrued time. She added that any expanded maternity benefits would have to be bargained with the unions.

Ms. Braga reviewed the plans to incorporate a post covid work from home program which will be a multi-faceted program.

SELECT BOARD

Assistant Town Administrator Justin Casanova-Davis reviewed the budget. The total budget is $822k with salaries increasing due to normal steps increase, $46k allocated to the Police Reform Committee fund, and $4k increase for Boards and Commissions software. The overall budget is reduced by 4.5%

- The office went from 7.5 FTE to 7.0 FTE
- Part time positon remains unbudgeted
- Hired a cannabis coordinator
- Working on reporting to the CARES act for covid related funding reimbursement
- Updated the licensing process
- Improving the Town School partnership
- Supported Boards and Commissions with virtual meetings
- Open gov software continues to be improved upon. The program incorporates valuable data

Town Administrator Kleckner took a moment to acknowledge the staff in the Select Board's Office and gave brief review of the various duties.

Vice Chair Hamilton noted that the BFAC report recommended adding additional staff to address increasing budget pressures.

Mr. Kleckner responded they could use more than one extra person to address budget analysis and the increasing demands on the Town's budget.

Board member VanScoyoc noted that reviewing how lean the Select Board's budget is, it is remarkable with only 7 employees the amount of work that passes through the office; it is an all hands on deck all the time.

FOSSIL FUEL FREE UPDATE

Presentation of the Planning Department's Fossil Fuel Free Incentives Study.

Senior Planner, Maria Morelli gave a PowerPoint presentation.

Background: WA21 and SB Charge

- Warrant Article 21 overturned by Attorney General; search for alternative strategy to yield same/similar outcome as WA21
- Petitioner's proposal: zoning incentives offering dimensional bonuses to FFF buildings
- Select Board charge: study/analyze use of zoning and non-zoning incentives and assess effective mechanisms to encourage FFF construction

Methodology

- Interviews with developers and technical experts
- Detailed survey of the Zoning By-law
- Data gathered on existing FAR and on recent permitting
- General research on sustainability and recent state action
-

Green Buildings: New Construction

SINGLE FAMILY

2020 Study: Rocky Mountain Institute New Single-Family Electric (Boston)

Finds construction and operational cost parity with gas (Based on Stretch Code)

- +64% electricity usage / -100% gas usage / +3% total utility costs
- Stretch code sufficient
- No consensus about Passive House for single family among tech experts

MULTIFAMILY 3, 4, 5, 6 Stories

2020 Study: City of Boston Zero Emissions Building Guidebook

Passive House standard (air tightness) paramount to reducing heating/cooling demands and costs.

- Construction costs up to 2.5% more before incentives and rebates (solar excluded).
- Annual operational costs reduced 20% for 4-5 story; 26% for 6-story multifamily (solar excl).
- MassSave incentives are generous for Passive House feasibility, modeling, certification

- Green Buildings: Retrofits
- SINGLE FAMILY
- Would homeowner bundle an HVAC conversion with a mudroom project?
- No statistics on MassSave heat pump incentives adoption rate.
- MassSave weatherization incentives are not adequate.
- Are there opportunities to disincentivize demolition?
- MULTIFAMILY
- More variables than new construction
- Federal tax law does not incentivize energy efficiency upgrades
- No State incentives for Passive House retrofits
- Property owners need to plan for decarbonization

Safeguards To Address

- Overcome misconceptions about electric buildings
- Avoid electrifying an inefficient building
- Plan renewable energy
- Decarbonizing existing buildings requires proactive strategies, financial support
- Decarbonization by 2050 cannot be addressed without embodied carbon strategy
- Avoid imbalances that reward new construction/demolition over adaptive reuse

Zoning Incentives

- Zoning incentives are not a recommended course of action

Challenges to scope of applicability and effectiveness

- Existing By-law sections that already provide relief that would be provided by incentives
- State law: c.40A and c.40B provide benefits to property owners that incentives cannot compete with
- Limited nexus between most zoning incentives and FFF construction

Adverse Impacts

- Zoning incentives risk several adverse impacts:
- Demolitions: zoning incentives are particularly useful to new construction and risk encouraging new construction at the cost of existing buildings and more demolitions
- Incentives for electrification should not ignore the other (necessary) pieces of sustainable building design: energy efficiency, embodied carbon, and renewable energy
- "Blanket approach" leads to unpredictable outcomes

Alternative Strategies

Overlay District Mechanism

- Tie in FFF/green building standards
- Zoning for overlay would be derived from land use studies
- High potential for multifamily and commercial districts; not residential
- Financial incentives
- Identify gaps and advocate at State level
- Consider additional resources to apply during demolition stays
- Education
- Retrofit strategy
- Identify gaps in incentives, especially for Passive House
- Draft embodied carbon policy

Recommended Next Steps

1. Prepare Green Building Guidelines to apply to:
   Overlay Districts
   Design Review
   Advocacy at State level
2. Identify Gaps in MassSave Incentives
   For residential and multifamily
   For special cases, like historic structures
3. Plan Education
4. Draft Embodied Carbon Policy
5. Devise Retrofit Strategies

Discussion:

Chair Greene stated that one question that comes up in the discussion of the 40b, is the so called embedded carbon. For example, the carbon in a building should be maintained as opposed to replacing it with a more efficient building. Is the only real carbon release issue is where you put the debris?

Ms. Morelli responded what embodied carbon means it has to do with the carbon that's emitted in

creating the building materials. It pertains to how the materials are manufactured.

Board member Heller added this is where the retrofitting concept comes in. There is a PILOT with National Grid and Eversource retrofitting buildings with geothermal by tearing up the gas pipes in the street and putting in a whole new infrastructure, they use that infrastructure to pump water hot water or cooling water to the various buildings. You would have to make sure you have the appliances that run on electricity, and there would be a capacity to increase it to other nearby buildings. This is more efficient than tearing down buildings which process is very carbon heavy.

Vice Chair Hamilton asked about the conclusion that zoning incentives were not the path forward.

Ms. Morelli responded there are a couple of levels; one is the competition from 40A which provides more generous incentives, or housing density ones where you would really have to double FAR to make it economically appealing to a developer. One thing that we're looking at is why our zoning with multifamily and commercial districts doesn't work. A lot of that is the FARs really doesn't work with the building envelopes. So even with a 20% increase, that is not enough. Incentives don't work with zoning that does not work on the commercial side. On the single family side, it's just the existing incentives are far too generous.

Board member VanScoyoc addressed some movement to enlist municipalities in applying some polite pressure to the State legislature and Governor Baker to come to terms on the legislation that he ended up vetoing and it's now back in the legislature. What does the Select Board have to do just to follow through on the request that we become one of the petitioners in this?

Town Administrator Kleckner responded that this will be the topic of an upcoming agenda item.

Board member Fernandez asked, in addition to some ideas we heard earlier on new construction and FAR, are we talking about what some folks think is undesirable; can we have a deeper conversation on a building going up where we might be able to tradeoffs massings or height in return for a large sustainable fossil free building.

Ms. Morelli responded there are several land use studies going on looking at multifamily study barriers for creating multifamily mixed uses that could result in permissible zoning. The overlay district would have more permissive zoning. It would be mandated, you would have to do it, providing a carrot stick approach.

Jesse Gray, TMM#10 noted that as a petitioner of article 21 that article was pulled to allow the Planning department and the administration to work with us and help set policies to be put forward for the Spring Town Meeting, and that timeline is really important. Since we can't put this on the State, we can't apply a sunset where do we go from here?

Ms. Morelli responded one of the first things is to establish those green building standards; we can amend our zoning bylaws here to make sure that design review from major impact projects actually includes those standards, but we've long felt that the community and environmental impact standards are very generic. They really don't allow us to shape projects. We don't really communicate to developers what we value about different urban design areas. That provides a basis for negotiating with an applicant on a major impact project. We don't we don't see a lot of major impact projects. We see more 40b and 40a projects

Kathleen Scanlon noted that if we are relying on an overlay districts for major impact projects with design review, which seems like a very slow process to trigger this mechanism. Is there a way to create

other ones that could be more encompassing of where multifamily units can go?

Ms. Morelli noted they cannot just do this through mandates. Mandates alone are not going to be effective and that's why we put education up there at the forefront. This is where are zoning is right now. There's a lot of outmoded zoning and we unfortunately can't fix that overnight.

Alison Steinfeld, Planning Director added that education will be a high priority in sustainability planning.

Lisa Cunningham added that she does not think education is the way to promote this. You can educate all you want, but you have to establish legislation to enable people or to incentivize people to do things. In the terms of the studies that you brought up, when we passed article 21 we proved that building electrification was cost effective and practical for building retrofits in terms of gut renovations, as well as new construction. There's lots of data to support that.

Ms. Morelli responded that she would like to see incentives that helps support some of the standards that are in line with the stretch code. So we want to make that really clear that we just want to make it easier for single family homes to get those incentives.

WARRANT ARTICLES

Review on Select Board sponsored Articles for the May 19, 2021 Annual Town Meeting.

Deputy Town Administrator Melissa Goff provided an update on proposed articles to be filed and or sponsored by the Select Board. At this point there are:
1. Home Rule related to a racial equity fund
2. CPA act
3. Restrictive Covenant

Board member Fernandez added that the Indigenous People's committee will file an article.
Board member VanScoyoc added the Town Clerk appointed position article

Chair Greene added that last year this board voted on warrant article guidelines and what we expect when a petitioner comes to us with their article so they can be prepared when we ask specific question. He asked that this be placed on the Town's website where it can be easily reviewed.

There being no further business, the Chair adjourned the meeting at 9:40 pm.

ATTEST

TOWN of BROOKLINE
Massachusetts

FIRE DEPARTMENT
HEADQUARTERS
PUBLIC SAFETY BUILDING

John F. Sullivan
Chief of Department

350 Washington Street
PO Box 470557
Brookline MA 02447-0557
Tel:617-730-2272
Fax:617-730-2391
www.brooklinema.gov

February 23, 2021

To: Melvin Kleckner, Town Administrator
From: John F. Sullivan, Fire Chief
RE: Acceptance of donations

Dear Mr. Kleckner<

The Brookline Fire Department asks that the Select Board accept with gratitude the following voluntary donations:

- $500.00 from the Korean Church of Boston – annual donation.
- $100.00 from Mrs. Judith R. Sebestyen, Brookline resident.

These funds to be credited to the fire department donations account.

Thank you for your consideration.

Sincerely,

John F. Sullivan, Fire Chief

TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

TO: Selectboard/ School Committee

FROM: Ray Masak, PE Project Manager

SUBJECT: High School Expansion Project – Tappan Gym and 3rd Floor Renovation
CTA Contract (FY 21)

DATE: February 22, 2020

On the Calendar this week, the Building Department has submitted a request for Contract Approval for the subject project in the amount of $7,821,340. This project was part of the additional funding requested by a warrant article approved by Town Meeting and DOR (refer to the Hill letter dated February 5, 2021).

The subject project was approved as part of the High School Project and was designed by Willian Rawn Associates. Construction will commence upon contract execution and is expected to be completed by the end of November 2021.

Bids were received on October 9, 2020. A total of 4 bids were submitted. The OPM (Hill) reviewed the bids and determined that CTA is the lowest and responsible bidder. Based upon the Hill's recommendation, we are requesting award of contract to CTA.

The Building Department is available to answer any questions you may have. Thank you for your consideration.

Hill International

Hill International, Inc.
75 Second Avenue, Suite 300
Needham, MA 02494
Tel: 617-778-0900
Fax: 617-778-0999
www.hillintl.com

February 5, 2021

Mr. Ray Masak, P.E.
Project Manager
Town of Brookline Building Department
333 Washington Street
Brookline, MA 02445

RE: Recommendation to award various contracts/purchase orders pursuant to MA DOR decision

Dear Mr. Masak:

Following review of the MA DOR decision with co-Chairs on February 1, 2021, we are now able to recommend ToB proceed with contracts/purchase orders (POs) as follows:

Item	Company	Contract/PO Amount
Deferred Maintenance	N.B. Kenney Co. Inc.	$3,075,000
3rd Floor & Tappan Gym Reno	CTA Construction Managers, LLC	$7,821,340 (includes Bid Alt #1)
Cypress Playground	Heimlich Landscape/Const	$5,263,523
Cypress Playground - CA	Weston & Sampson – Construction Admin. Services	$96,000
Furniture, Fixtures and Equipment	various vendors (W.B. Mason, direct science equipment purchases by Science Dept., etc.)	$3,100,000 (not-to-exceed budget)
Security	Lan-Tel	$181,167.97
Technology	various ToB procured vendors	$1,500,000 (not-to-exceed budget)
A/E	WRA Amendment #20 – Schedule extension beyond original schedule in Amendment #1	$588,751
OPM	Hill Amendment #6 – extend Site Representative Services thru July, 2021	$161,910
OPM	Hill (future) Amendments: reconcile MBTA-related tasks; managing (2) additional contractors; services extension (if required); **some projected costs were already included within Warrant Article.**	TBD and negotiated w/ToB
A/E	WRA (future) Amendments: managing (2) additional contractors; **some projected costs were already included within Warrant Article.**	TBD and negotiated w/ToB

To minimize logistical challenges with completing Streetscapes scope at same time as Tappan Gym Renovations, STEM, 22 Tappan & MBTA Station and the beginning of Cypress Playground project (all in 2021), ToB has decided to separately bid thru DPW the Streetscapes, Traffic Signals, Pavement Striping scopes of work. Traffic Signals re-configuration would be constructed Fall 2021 and Streetscapes & Pavement Striping would occur Summer of 2022 to coincide with completion of Cypress Playground.

We are updating the overall total project budget to reflect the approved funding increase per MA DOR decision.

Very truly yours,

Andy Felix, MCPPO
Project Director

Hill International

Hill International, Inc.
75 Second Avenue, Suite 300
Needham, MA 02494
Tel: 617-778-0900
Fax: 617-778-0999
www.hillintl.com

November 18, 2020

Mr. Ray Masak, P.E.
Project Manager
Town of Brookline Building Department
333 Washington Street
Brookline, MA 02445

RE: CTA Bid for Third Floor and Tappan Gym Renovation

Dear Mr. Masak:

This letter is in response to your request to advise whether the bid from CTA Construction Managers LLC received on Friday October 9, 2020 is the lowest responsive bid for the Third Floor and Tappan Gym Renovation Project. This concern was the result of a package of information provided to you from a representative of the Laborers Union indicating a record of failed projects and poor scores on DCAMM Contractor Evaluations of CTA. Analysis of the CTA's DCAMM file and references on projects indicate that their bid is low and responsive.

The package from Laborer's Union includes some documents that together with CTA's bid raised some questions of bid responsiveness. We sought a response from CTA and conducted interviews with various owners, architects and project managers regarding Laborer's Unions documents.

The most notable concern is that in the package from the Laborers Union is a termination notice from the Town of Dedham to CTA construction for their Dedham Town Hall project. This was surprising because the DCAMM Update Statement (not a public document) did not indicate that CTA was terminated, and in fact, listed the Dedham Town Hall in Part 1 Completed Projects section of the Update Statement.

We received a response from CTA regarding the Laborers Union information that is attached. The response stated that the termination by the Town of Dedham was rescinded. We subsequently received confirmation from CTA's attorney and from the Town of Dedham confirming that the termination was rescinded.

We concurrently obtained a copy of CTA's DCAMM file and reviewed the same. We also reviewed and spoke to references of the projects that received the low or failing performance scores from the Laborer's Union materials. We are also aware of projects on which CTA performed well that were not part of the Laborer's Union materials.

All five projects Hill worked with CTA on were successfully completed. DCAMM evaluations we scored range from 80 to 97. When a project we have completed with CTA had a good project manager and superintendent, the project was completed with high scores on their DCAMM evaluations. Based on knowledge of the CTA's proposed project team, it appears CTA is proposing a good team to manage the Brookline project.

Based on our review of the bid, research into the Laborer's Union information and response by CTA, CTA's DCAMM file, we believe CTA's bid is low and responsive.

Very truly yours,

Paul G. Kalous AIA, MCPPO
Program Director

Attachments:
Bid from CTA Construction
Letter to CTA from Hill International
Response from CTA
Letter from McNamara and Lane, LLC
Email from the Town of Dedham

cc. C.Aubin, William Rawn Associates, Architects

Brookline High School Project - Tappan Gym and 3rd Floor Renovation

Tabulation of General Contractor Bids

General bids due: 2:00PM, Friday, October 9, 2020

Hill International

	General Contractor	Bid, no alternates	Alt. 1	Total	Addenda	Bid Signed	Bid Bond or Deposit	DCAMM Cert & Update Statement
1	CTA Construction Managers, LLC	$7,705,000.00	$116,340.00	$7,821,340.00	1,2,3,4	YES	YES	YES
2	TRAC Builders, Inc.	$7,898,000.00	$144,000.00	$8,042,000.00	1,2,3,4	YES	YES	YES
3	M. O'Connor Contracting, Inc.	$9,137,700.00	$125,000.00	$9,262,700.00	1,2,3,4	YES	YES	YES
4	Castagna Construction	$9,477,000.00	$123,400.00	$9,600,400.00	1,2,3,4	YES	YES	YES

Hill International

Brookline High School Project - Tappan Gym and 3rd Floor Renovation

Comparison to Estimated General Bid Values

General bids due: 2:00PM, Friday, October 9, 2020

SUMMARY

Trade	Estimated Bid with Alternate #1	Low Bid	Difference w/out alt:	Percent Over/Under	Accepted Alternates	ACCEPTED LOW BID	Difference between estimate and accepted bid
General Bid	$ 9,841,276	$ 7,705,000	$ (2,136,276)	-22%	$ 116,340	$ 7,821,340	$ 2,019,936
Totals:	**$ 9,841,276**	**$ 7,705,000**	**$ 2,136,276**	**22%**	**$ 116,340**	**$ 7,821,340**	**$ 2,019,936**

If Protest failed, CTA needs to carry Brothers Electrical

Trade	Estimated Bid with Alternate #1	Low Bid	Difference w/out alt:	Percent Over/Under	Accepted Alternates	ACCEPTED LOW BID	Difference between estimate and accepted bid
General Bid	$ 9,841,276	$ 7,936,000	$ (1,905,276)	-19%	$ 116,340	$ 8,052,340	$ 1,788,936
Totals:	**$ 9,841,276**	**$ 7,936,000**	**$ 1,905,276**	**19%**	**$ 116,340**	**$ 8,052,340**	**$ 1,788,936**

difference: $ 231,000

Town Of Brookline

Contract Coding Approval Form

Department: Building

Vendor Name : CTA

Vendor Number : _____ **Amount of Contract $** 7,821,340

Contract # : _____

Purpose of Contact:

Description:

Tappan Gym and High School Third Floor Renovations

Coding:

Org #	Org Name *	Acct #	Acct Name	Amount
2594C204		6C0002		7,821,340

* For "K" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4909K001 would be "DPW CIP").

Department Head: _____ Date 2·10·21

Comptroller and Purchasing Approvals

Funds Available / Codes Correct _____ Comptroller — 2/10/2021 Date Approved by Comptroller

Complies with Appropriate Procurement Law (MGL ch 149, ch 30 30M, or ch 30B) _____ Purchasing — 2/10/21 Date Approved by Purchasing

CTA Construction Managers

February 22, 2021

Mr. Ray Masak, PE
Town of Brookline
333 Washington Street
Brookline, MA 02445

RE: Tappan Gym and High School Third Floor Renovation Project Contract Bid Extension

Dear Ray,

Thank you for issuing the contract for the Brookline Tappan Gym and High School Third Floor Renovation Project. CTA looks forward to another successful project with the Town of Brookline. We have included our bonds, insurance with the enclosed contract.

CTA and Brookline discussed the delayed contract award to the project in our February 12, 2021 project kickoff meeting. CTA has executed the original contract without edits, but does so with the understanding that Brookline and CTA are in agreement on the impacts of the delayed start which were briefly discussed and agree to in the 2/12/21 meeting. We have outlined our understanding of these discussions below.

The Tappan Gym Interior phase of the project was not able to start per the original contract due to the delayed contract award. With our anticipated mobilization on 3/1/21 the substantial completion date for this phase will be pushed to October 7, 2021. This will be handled via change order after the full execution of the contract. The logistics with performing work in this phase after the school session starts in the Fall of 2021 will need to be coordinated and finalized and our assumption is that CTA will have reasonable, free and clear access to our work areas. If extraordinary accommodations or off hours shift work are necessary to complete this phase, the costs associated with these changes will need to be evaluated and CTA expects to be fairly compensated for this changed condition. CTA agrees to work with Brookline to determine a final plan that is workable to the needs of both parties.

The Tappan Gym Exterior work is due to start in June of 2021. This portion of the project has materials with potential long lead times including the site improvements and granite hardscape items. At this time the procurement and lead times which include the work of the FSB Mason may not make it possible to complete this area by the contract date of 8/15/21. The completion date for this area will need to be evaluated further as the procurement, approval and fabrication process unfolds. CTA understands that access is needed to the building in the fall of 2021 and will work with Brookline on the development of a final plan. The Tappan Gym Planting schedule may be impacted by the completion of the entrance although we do not see any issue with completing the planting during the fall 2021 planting season.

400 Totten Pond Rd, 2nd Floor Waltham MA 02451 T 781.786.6600 F 781.786.6650 www.ctaconstruction.com

The start and completion dates for the Third floor Renovation West and Third Floor Renovation East will remain unchanged.

With the Tappan Gym Interior work and the Third floor Renovation work now overlapping by an additional (2) months, CTA may be required to add supervision during this time and expects to be fairly compensated for the added staff costs if this is determined to be necessary.

As CTA indicated in our letter of 1/6/21 extending our bid, all Filed-Sub Bidders that were listed in CTA's bid have noted they will extend their bids except for the Masonry subcontractor Fernandes Masonry. CTA has subsequently reached out the 2nd FSB Mason Costa Brothers Masonry and they also indicated that they would not honor their bid. Marmelo Bros. Construction is the next eligible FSB Masonry bidder and they have verbally indicated that they would honor their bid price. If CTA is to contract with Marmelo Bros. Masonry we will need approval from Brookline and a change order for the difference in their bid price and the Fernandes Masonry bid price.

We trust that the Town of Brookline is in agreement with CTA's understanding of the above noted changes. If Brookline is not in agreement or if you have any questions or comments, please notify us at your earliest convenience. CTA looks forward to another successful endeavor with the Town of Brookline.

Sincerely,

CTA Construction Managers, LLC

Jeffrey Hazelwood
Principal

Cc: Andy Jonic AIA – William Rawn Associates Architects (email)
Paul Kalous – Hill International (email)
Andy Felix – Hill International (email)

400 Totten Pond Rd, 2nd Floor Waltham MA 02451 T 781.786.6600 F 781.786.6650 www.ctaconstruction.com

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A101

Standard Form of Agreement Between Owner and Contractor

where the basis of payment is a

STIPULATED SUM

1987 EDITION

THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES; CONSULTATION WITH AN ATTORNEY IS ENCOURAGED WITH RESPECT TO ITS COMPLETION OR MODIFICATION.

The 1987 Edition of AIA Document A201, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

This document has been approved and endorsed by The Associated General Contractors of America.

AGREEMENT

made as of the day of In the year of

BETWEEN the Owner:
(Name and address)

Town of Brookline represented by the Brookline Building Commission
Town Hall
333 Washington Street
Brookline, MA 02445

and the Contractor:
(Name and address)

CTA Construction Managers, LLC
400 Totten Pond Road, Second Floor
Waltham, MA 02451

The Project is:
(Name and location)

Brookline High School Expansion
Tappan Gymnasium and High School Third Floor Renovation Projects

The Architect is:
(Name and address)

William Rawn Associates, Architects Inc.
10 Post Office Square
Boston, MA 02109

The Owner and Contractor agree as set forth below.

Copyright 1915, 1918, 1925, 1937, 1951, 1958, 1961, 1963, 1967, 1974, 1977, ©1987 by The American Institute of Architects, 1735 New York Avenue, N.W., Washington, D.C. 20006. Reproduction of the material herein or substantial quotation of its provisions without written permission of the AIA violates the copyright laws of the United States and will be subject to legal prosecution.

ARTICLE 1
THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement; these form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than Modifications, appears in Article 9.

ARTICLE 2
THE WORK OF THIS CONTRACT

The Contractor shall execute the entire Work described in the Contract Documents, except to the extent specifically indicated in the Contract Documents to be the responsibility of others, or as follows:

The Contractor shall perform the Work required by the Contract Documents for the complete construction of the The Tappan Gym and High School Third Floor Renovations, Brookline, MA. The Contractor shall provide all materials, labor, equipment, tools, machinery, transportation, and services necessary for, and reasonably incidental to, the performance of Work.

ARTICLE 3
DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

3.1 The date of commencement is the date from which the Contract Time of Paragraph 3.2 is measured, and shall be the date of this Agreement, as first written above, unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

The Work to be performed under the Contract shall commence upon issuance of a "Notice to Proceed", anticipated to be issued on or about January 2, 2021

Unless the date of commencement is established by a notice to proceed issued by the Owner, the Contractor shall notify the Owner in writing not less than five days before commencing the Work to permit the timely filing of mortgages, mechanic's liens and other security interests.

3.2 The Contractor shall achieve Substantial Completion of the entire Work not later than

(Insert the calendar date or number of calendar days after the date of commencement. Also insert any requirements for earlier Substantial Completion of certain portions of the Work, if not stated elsewhere in the Contract Documents.)

The Work of the Contract shall be performed according to the Contract Documents including restrictions specified under Section 01 1100 – SUMMARY OF WORK. The Work to be performed under this Contract shall be substantially completed by:

- Tappan Gym Interior and Exterior: August 15, 2021
- Third Floor Renovation (west of drawing set matchline) August 15, 2021
- Third Floor Renovation (east of drawing set matchline) November 15, 2021

Liquidated Damages: The General Contractor agrees to pay the Owner for any delay in Work; the sum of two thousand dollars ($2,000.00) per day for every calendar day beyond the above-established date; said amounts to be deemed payment for liquidated and ascertained for such delay.

ARTICLE 4
CONTRACT SUM

4.1 The Owner shall pay the Contractor in current funds for the Contractor's performance of the Contract the Contract Sum of Seven million eight hundred twenty one thousand three hundred forty Dollars ($ 7,821,340), subject to additions and deductions as provided in the Contract Documents.

4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

(State the numbers or other identification of accepted alternates. If decisions on other alternates are to be made by the Owner subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date until which that amount is valid.)

4.3 Unit prices, if any, are as follows:

The Unit Prices are as described in Section 01 2200 – UNIT PRICES, of these Specifications.

ARTICLE 5
PROGRESS PAYMENTS

5.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

5.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

5.3 Provided an Application for Payment is received by the Architect not later than the day of a month, the Owner shall make payment to the Contractor not later than the day of the month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than days after the Architect receives the Application for Payment.

5.4 Each Application for Payment shall be based upon the Schedule of Values submitted by the Contractor in accordance with the Contract Documents. The Schedule of Values shall allocate the entire Contract Sum among the various portions of the Work and be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This Schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

5.5 Applications for Payment shall indicate the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

5.6 Subject to the provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

5.6.1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the total Contract Sum allocated to that portion of the Work in the Schedule of Values, less retainage of percent (%). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute may be included as provided in Subparagraph 7.3.7 of the General Conditions even though the Contract Sum has not yet been adjusted by Change Order;

5.6.2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of percent (%);

5.6.3 Subtract the aggregate of previous payments made by the Owner; and

5.6.4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Paragraph 9.5 of the General Conditions.

5.7 The progress payment amount determined in accordance with Paragraph 5.6 shall be further modified under the following circumstances:

5.7.1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to percent (%) of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work and unsettled claims; and

5.7.2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Subparagraph 9.10.3 of the General Conditions.

5.8 Reduction or limitation of retainage, if any, shall be as follows:

(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Subparagraphs 5.6.1 and 5.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)

Delete Paragraphs 5.2 through 5.8 in their entirety, and insert the following:

The provisions of this Article are subject to the provisions of the General Laws of Commonwealth of Massachusetts, Chapter 30 Section 39K, as amended.

ARTICLE 6
FINAL PAYMENT

Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when (1) the Contract has been fully performed by the Contractor except for the Contractor's responsibility to correct nonconforming Work as provided in Subparagraph 12.2.2 of the General Conditions and to satisfy other requirements, if any, which necessarily survive final payment; and (2) a final Certificate for Payment has been issued by the Architect; such final payment shall be made by the Owner not more than 60 days after the issuance of the Architect's final Certificate for Payment, or as follows:

The provisions shall be made in accordance with Chapter 30 Sections 39 F, K of the General Laws of the Commonwealth of Massachusetts, as amended

ARTICLE 7
MISCELLANEOUS PROVISIONS

7.1 Where reference is made in this Agreement to a provision of the General Conditions or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

7.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

(Insert rate of interest agreed upon, if any.)

(Usury laws and requirements under the Federal Truth in Lending Act, similar state and local consumer credit laws and other regulations at the Owner's and Contractor's principal places of business, the location of the Project and elsewhere may affect the validity of this provision. Legal advice should be obtained with respect to deletions or modifications, and also regarding requirements such as written disclosures or waivers.)

7.3 Other provisions: Refer to attached page

ARTICLE 8
TERMINATION OR SUSPENSION

8.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of the General Conditions.

8.2 The Work may be suspended by the Owner as provided in Article 14 of the General Conditions.

7.3 Other Provisions:

Contractor's Representations

The Contractor has familiarized himself with the nature and extent of the Contract Documents, work, locality, and all location conditions and federal, state, and local laws, rules, ordinances, and regulations that in any manner may affect costs, progress, or performance of the Work.

The Contractor has made, or has caused to be made, examinations, investigations, and test and studies of such reports, and related data in addition to those referred to in the paragraph above as the Contractor deems necessary for the performance of the Work at the Contract Price, within the Contract Time, and in accordance with other Terms and Conditions of the Contract Documents; and no additional examinations, tests, investigations, reports, and similar data are or will be required by the Contractor for such purposes.

The Contractor has correlated the results of such observations, examinations, investigations, tests, reports, and data with the Terms and Conditions of the Contract Documents.

The Contractor has given the Architect written notice of all conflicts, errors, or discrepancies that he has discovered in the Contract Documents, and the Written Resolution thereof by the Architect is acceptable to the Contractor.

Miscellaneous

Terms used in this Contract where are defined in Article 1 of Document 00 7200-GENERAL CONDITIONS (AIA Document A201) and Section 01 4200, REFERENCES shall have the meaning indicated in the General Conditions; other terms shall have the meanings given them in applicable publications and regulations.

No assignment by a party hereto or any rights under or interest in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically, but without limitation, monies that may become due and monies that are the effect of this restriction may be limited (by law),and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor form any duty or responsibility under the Contract Documents.

ARTICLE 9
ENUMERATION OF CONTRACT DOCUMENTS

9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated as follows:

9.1.1 The Agreement is this executed Standard Form of Agreement Between Owner and Contractor, AIA Document A101, 1987 Edition.

9.1.2 The General Conditions are the General Conditions of the Contract for Construction, AIA Document A201, 1987 Edition.

9.1.3 The Supplementary and other Conditions of the Contract are those contained in the Project Manual dated , and are as follows:

Document	Title	Pages

9.1.4 The Specifications are those contained in the Project Manual dated as in Subparagraph 9.1.3, and are as follows:

(Either list the Specifications here or refer to an exhibit attached to this Agreement.)

Section	Title	Pages

9.1.5 The Drawings are as follows, and are dated unless a different date is shown below:
(Either list the Drawings here or refer to an exhibit attached to this Agreement.)

Number	Title	Date

9.1.6 The Addenda, if any, are as follows:

Number	Date	Pages

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

9.1.7 Other documents, if any, forming part of the Contract Documents are as follows:

(List here any additional documents which are intended to form part of the Contract Documents. The General Conditions provide that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

Delete Paragraphs 9.1.1 through 9.1.7 and insert the following:

The Contract Documents, which comprise the entire contract between the Owner and the Contract, are attached to this Contract, made a part hereof, and consist of the following:

1. The Contract.
2. Contractor's Bid, including required submittals.
3. Bid, Performance, and Payment Bond.
4. General Conditions (herein stated and in AIA Document A201).
5. Modifications to General Conditions.
6. Supplementary Conditions.
7. Specifications bearing the title: "The Tappan Gym and High School Third Floor Renovations, Brookline, MA".
8. AIA Construction Documents, including but not limited to AIA Document A201, A310, A311, selected for use by the Town of Brookline, Massachusetts.
9. All Addenda issued prior to Bid Preparation.
10. Documentation submitted by Contractor during the Performance of the Contract.
11. Contract Drawings.
12. Town of Brookline Standard Signature Sheet, which will be provided separately as Page 9 of this Contract,

There are no Contract Documents other than those listed in this Article. The Contract Documents may only be altered, amended, or repealed by a Modification as defined in Section 1 of the General Conditions.

This Agreement is entered into as of the day and year first written above and is executed in at least three original copies of which one is to be delivered to the Contractor, one to the Architect for use in the administration of the Contract, and the remainder to the Owner.

OWNER Refer to attached Signature Page	CONTRACTOR CTA Construction Managers, LLC
(Signature)	*(Signature)*
	Jeffrey Hazelwood, Principal
(Printed name and title)	*(Printed name and title)*

This Agreement entered into as of the day and year first written above

APPROVAL OF OWNER

Selectboard

_____

_____

_____

_____

_____

Building Commission

_____

_____

_____

_____

_____

Approved as to Form

_____
Town Counsel

School Committee _____

_____

_____

_____

_____

_____

_____

_____

_____

CERTIFICATION

I hereby certify in accordance with Mass. Gen. Laws ch. 44 paragraph 31 C that an appropriation in the amount of the Contract Sum has been made and is available for compensation to the Contractor for the work described in this agreement.

_____
Town Comptroller

ADDENDUM TO BHS Tappan Gym and Third Floor Renovations

Article 4.4 of the Town of Brookline General By-Laws

By signing below, CONTRACTOR hereby agrees to comply with the provisions of Article 4.4 of the Town's General By-laws, *Fair Employment Practices with Regard to Contracts*, a copy of which is incorporated herein by reference, with respect to the foregoing Contract.

CTA Construction Managers, LLC.
Contractor

Article 4.5 of the Town of Brookline General By-Laws

In compliance with Article 4.5 of the Town's General By-laws, CONTRACTOR hereby certifies as follows: I shall not discriminate against any individual because of the race, color, religious creed, national origin, sex, gender identity or gender expression, sexual orientation, which shall not include persons whose sexual orientation involves minor children as the sex object, age or ancestry of any Individual in fulfilling the terms of the foregoing attached contract.

Signed under the pains of penalties of perjury, on this 22nd day of February, 2021.

Signature of Contractor

DOCUMENT 00 6113.13

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we CTA Construction Managers, LLC

_____, as Principal
(Name of Contractor)

a Limited Liability Company
(Corporation, Partnership, or Individual)

hereinafter called "Principal" and Nationwide Mutual Insurance Company, 7 World Trade Center,
(Surety)

250 Greenwich Street, 37th Floor of New York, State of NY,

hereinafter called the "Surety", are held and firmly bound into the Brookline Building Commission, Brookline, Massachusetts, hereinafter called "Owner",

in the penal sum of Seven Million Eight Hundred Twenty One Thousand Three Hundred Forty

_____ Dollars ($ 7,821,340.00)

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that Whereas, the Principal entered into a certain

contract with the Owner, dated the _____ day of _____, a copy of which is hereto attached and made a part hereof for the construction of

TAPPAN GYM AND HIGH SCHOOL THIRD FLOOR RENOVATIONS
BROOKLINE, MA

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the Owner from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed hereunder or the specifications accompanying the same shall in any way affect its obligation of this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, the parties to these present have duly executed in this bond on the

_____ day of _____.

ATTEST:

(SEAL)

CTA Construction Managers, LLC
(Principal)

By Jeffrey Hazelwood, Principal
(Secretary)

400 Totten Pond Road, Suite 200

Waltham, MA 02451

(Address - Zip Code)

(SEAL)

(Witness as to Principal)

Paul DuRoss, Principal

400 Totten Pond Road, Suite 200

Waltham, MA 02451

(Address - Zip Code)

NOTE: Date of Bond must not be prior to date of Contract. If Contractor is a Partnership, all partners should execute Bond.

END OF DOCUMENT

Bond No. 7901027837

Document A312™ – 2010

Conforms with The American Institute of Architects AIA Document 312

Performance Bond

CONTRACTOR:
(Name, legal status and address)

CTA Construction Managers, LLC
400 Totten Pond Road, 2nd Floor,
Waltham, MA 02451

SURETY:
(Name, legal status and principal place of business)

Nationwide Mutual Insurance Company
7 World Trade Center, 250 Greenwich Street, 37th Floor
New York, NY 10007

Mailing Address for Notices

Nationwide Mutual Insurance Company
7 World Trade Center, 250 Greenwich Street, 37th Floor
New York, NY 10007

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:
(Name, legal status and address)

Town of Brookline
333 Washington Street,
Brookline, MA 02445

CONSTRUCTION CONTRACT
Date:

Amount: **Seven Million Eight Hundred Twenty-one Thousand Three Hundred Forty And No/100 DOLLARS, ($7,821,340.00)**

Description:
(Name and location) **Brookline High School Expansion, Tappan Gym and High School Third Floor Renovations**

BOND
Date:
(Not earlier than Construction Contract Date)

Amount: **Seven Million Eight Hundred Twenty-one Thousand Three Hundred Forty And No/100 DOLLARS, ($7,821,340.00)**

Modifications to this Bond: ☒ None ☐ See Section 16

CONTRACTOR AS PRINCIPAL
Company: *(Corporate Seal)*
CTA Construction Managers, LLC

Signature:
Name and Title: JEREMY HAZELWOOD PRINCIPAL

SURETY
Company: *(Corporate Seal)*
Nationwide Mutual Insurance Company

Signature: Tara L Clifford
Name and Title: **Tara L. Clifford, Attorney-In-Fact**

(Any additional signatures appear on the last page of this Performance Bond.)

(FOR INFORMATION ONLY — Name, address and telephone)

AGENT or BROKER:
Eastern Insurance Group, LLC
233 West Central Street
Natick, MA 01760
800-333-7234

OWNER'S REPRESENTATIVE:
(Architect, Engineer or other party:)

S-1852/AS 8/10

§ 1 The Contractor and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to the Owner for the performance of the Construction Contract, which is incorporated herein by reference.

§ 2 If the Contractor performs the Construction Contract, the Surety and the Contractor shall have no obligation under this Bond, except when applicable to participate in a conference as provided in Section 3.

§ 3 If there is no Owner Default under the Construction Contract, the Surety's obligation under this Bond shall arise after

.1 the Owner first provides notice to the Contractor and the Surety that the Owner is considering declaring a Contractor Default. Such notice shall indicate whether the Owner is requesting a conference among the Owner, Contractor and Surety to discuss the Contractor's performance. If the Owner does not request a conference, the Surety may, within five (5) business days after receipt of the Owner's notice, request such a conference. If the Surety timely requests a conference, the Owner shall attend. Unless the Owner agrees otherwise, any conference requested under this Section 3.1 shall be held within ten (10) business days of the Surety's receipt of the Owner's notice. If the Owner, the Contractor and the Surety agree, the Contractor shall be allowed a reasonable time to perform the Construction Contract, but such an agreement shall not waive the Owner's right, if any, subsequently to declare a Contractor Default;

.2 the Owner declares a Contractor Default, terminates the Construction Contract and notifies the Surety; and

.3 the Owner has agreed to pay the Balance of the Contract Price in accordance with the terms of the Construction Contract to the Surety or to a contractor selected to perform the Construction Contract.

§ 4 Failure on the part of the Owner to comply with the notice requirement in Section 3.1 shall not constitute a failure to comply with a condition precedent to the Surety's obligations, or release the Surety from its obligations, except to the extent the Surety demonstrates actual prejudice.

§ 5 When the Owner has satisfied the conditions of Section 3, the Surety shall promptly and at the Surety's expense take one of the following actions:

§ 5.1 Arrange for the Contractor, with the consent of the Owner, to perform and complete the Construction Contract;

§ 5.2 Undertake to perform and complete the Construction Contract itself, through its agents or independent contractors;

§ 5.3 Obtain bids or negotiated proposals from qualified contractors acceptable to the Owner for a contract for performance and completion of the Construction Contract, arrange for a contract to be prepared for execution by the Owner and a contractor selected with the Owner's concurrence, to be secured with performance and payment bonds executed by a qualified surety equivalent to the bonds issued on the Construction Contract, and pay to the Owner the amount of damages as described in Section 7 in excess of the Balance of the Contract Price incurred by the Owner as a result of the Contractor Default; or

§ 5.4 Waive its right to perform and complete, arrange for completion, or obtain a new contractor and with reasonable promptness under the circumstances:

.1 After investigation, determine the amount for which it may be liable to the Owner and, as soon as practicable after the amount is determined, make payment to the Owner; or

.2 Deny liability in whole or in part and notify the Owner, citing the reasons for denial.

§ 6 If the Surety does not proceed as provided in Section 5 with reasonable promptness, the Surety shall be deemed to be in default on this Bond seven days after receipt of an additional written notice from the Owner to the Surety demanding that the Surety perform its obligations under this Bond, and the Owner shall be entitled to enforce any remedy available to the Owner. If the Surety proceeds as provided in Section 5.4, and the Owner refuses the payment or the Surety has denied liability, in whole or in part, without further notice the Owner shall be entitled to enforce any remedy available to the Owner.

§ 7 If the Surety elects to act under Section 5.1, 5.2 or 5.3, then the responsibilities of the Surety to the Owner shall not be greater than those of the Contractor under the Construction Contract, and the responsibilities of the Owner to the Surety shall not be greater than those of the Owner under the Construction Contract. Subject to the commitment by the Owner to pay the Balance of the Contract Price, the Surety is obligated, without duplication, for

- **.1** the responsibilities of the Contractor for correction of defective work and completion of the Construction Contract;
- **.2** additional legal, design professional and delay costs resulting from the Contractor's Default, and resulting from the actions or failure to act of the Surety under Section 5; and
- **.3** liquidated damages, or if no liquidated damages are specified in the Construction Contract, actual damages caused by delayed performance or non-performance of the Contractor.

§ 8 If the Surety elects to act under Section 5.1, 5.3 or 5.4, the Surety's liability is limited to the amount of this Bond.

§ 9 The Surety shall not be liable to the Owner or others for obligations of the Contractor that are unrelated to the Construction Contract, and the Balance of the Contract Price shall not be reduced or set off on account of any such unrelated obligations. No right of action shall accrue on this Bond to any person or entity other than the Owner or its heirs, executors, administrators, successors and assigns.

§ 10 The Surety hereby waives notice of any change, including changes of time, to the Construction Contract or to related subcontracts, purchase orders and other obligations.

§ 11 Any proceeding, legal or equitable, under this Bond may be instituted in any court of competent jurisdiction in the location in which the work or part of the work is located and shall be instituted within two years after a declaration of Contractor Default or within two years after the Contractor ceased working or within two years after the Surety refuses or fails to perform its obligations under this Bond, whichever occurs first. If the provisions of this Paragraph are void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.

§ 12 Notice to the Surety, the Owner or the Contractor shall be mailed or delivered to the address shown on the page on which their signature appears.

§ 13 When this Bond has been furnished to comply with a statutory or other legal requirement in the location where the construction was to be performed, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

§ 14 Definitions

§ 14.1 Balance of the Contract Price. The total amount payable by the Owner to the Contractor under the Construction Contract after all proper adjustments have been made, including allowance to the Contractor of any amounts received or to be received by the Owner in settlement of insurance or other claims for damages to which the Contractor is entitled, reduced by all valid and proper payments made to or on behalf of the Contractor under the Construction Contract.

§ 14.2 Construction Contract. The agreement between the Owner and Contractor identified on the cover page, including all Contract Documents and changes made to the agreement and the Contract Documents.

§ 14.3 Contractor Default. Failure of the Contractor, which has not been remedied or waived, to perform or otherwise to comply with a material term of the Construction Contract.

§ 14.4 Owner Default. Failure of the Owner, which has not been remedied or waived, to pay the Contractor as required under the Construction Contract or to perform and complete or comply with the other material terms of the Construction Contract.

§ 14.5 Contract Documents. All the documents that comprise the agreement between the Owner and Contractor.

§ 15 If this Bond is issued for an agreement between a Contractor and subcontractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

§ 16 Modifications to this bond are as follows:

(Space is provided below for additional signatures of added parties, other than those appearing on the cover page.)

CONTRACTOR AS PRINCIPAL
Company: *(Corporate Seal)*

Signature: _____
Name and Title:
Address

SURETY
Company: *(Corporate Seal)*

Signature: _____
Name and Title:
Address

S-1852/AS 8/10

DOCUMENT 00 6113

LABOR AND MATERIALS PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That we CTA Construction Managers, LLC

_____, as Principal
(Name of Contractor)

a Limited Liability Company
(Corporation, Partnership, or Individual)

hereinafter called "Principal" and Nationwide Mutual Insurance Company
(Surety)

7 World Trade Center, 250 Greenwich Street 37th Fl of New York, State of NY

hereinafter called the "Surety", are held and firmly bound into Additions And Renovations To The Tappan Gym and High School Third Floor Renovations, Brookline, MA acting through the Brookline Building Commission, hereinafter called "Owner", in the penal sum of

Seven Million Eight Hundred Twenty One Thousand Three Hundred Forty Dollars ($ 7,821,340.00)

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that Whereas, the Principal entered into a certain

contract with the Owner, dated the _____ day of _____,
a copy of which is hereto attached and made a part hereof for the construction of:

TAPPAN GYM AND HIGH SCHOOL THIRD FLOOR RENOVATIONS
BROOKLINE, MA

NOW, THEREFORE, if the Principal shall promptly make payment to all persons, firms, subcontractors, and corporations furnishing materials for or performing labor in the prosecution of the work provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such work, and all insurance premiums on said work, and for all labor, performed in such work whether by subcontractor or otherwise, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety, for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed hereunder or the specifications accompanying the same shall in any wise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, the parties to these present have duly executed in this bond on this

_____ day of _____.

ATTEST:

(SEAL)

CTA Construction Managers, LLC
(Principal)

By Jeffrey Hazelwood, Principal
(Secretary)

400 Totten Pond Road, Suite 200

Waltham, MA 0251

(Address - Zip Code)

(SEAL)

(Witness as to Principal)

Paul DuRoss, Principal

400 Totten Pond Road, Suite 200

Waltham, MA 02451
(Address - Zip Code)

NOTE: Date of Bond must not be prior to date of Contract. If Contractor is a Partnership, all partners should execute Bond.

END OF DOCUMENT

Bond No. 7901027837

Document A312™ – 2010

Conforms with The American Institute of Architects AIA Document 312

Payment Bond

CONTRACTOR:
(Name, legal status and address)

CTA Construction Managers, LLC
400 Totten Pond Road, 2nd Floor,
Waltham, MA 02451

SURETY:
(Name, legal status and principal place of business)

Nationwide Mutual Insurance Company
7 World Trade Center, 250 Greenwich Street, 37th Floor
New York, NY 10007

Mailing Address for Notices

Nationwide Mutual Insurance Company
7 World Trade Center, 250 Greenwich Street, 37th Floor
New York, NY 10007

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:
(Name, legal status and address)

Town of Brookline
333 Washington Street,
Brookline, MA 02445

CONSTRUCTION CONTRACT
Date:

Amount: **Seven Million Eight Hundred Twenty-one Thousand Three Hundred Forty And No/100 DOLLARS, ($7,821,340.00)**

Description:
(Name and location) **Brookline High School Expansion, Tappan Gym and High School Third Floor Renovations**

BOND
Date:
(Not earlier than Construction Contract Date)

Amount: **Seven Million Eight Hundred Twenty-one Thousand Three Hundred Forty And No/100 DOLLARS, ($7,821,340.00)**

Modifications to this Bond: [X] None [ ] See Section 18

CONTRACTOR AS PRINCIPAL
Company: *(Corporate Seal)*

CTA Construction Managers, LLC

Signature: _____

Name and Title:

SURETY
Company: *(Corporate Seal)*

Nationwide Mutual Insurance Company

Signature: Tara L. Clifford

Name and Title: **Tara L. Clifford, Attorney-In-Fact**

(Any additional signatures appear on the last page of this Payment Bond.)

(FOR INFORMATION ONLY — Name, address and telephone)

AGENT or BROKER:

Eastern Insurance Group, LLC
233 West Central Street
Natick, MA 01730
800-333-7234

OWNER'S REPRESENTATIVE:
(Architect, Engineer or other party:)

S-2149/AS 8/10

§ 1 The Contractor and Surety, jointly and severally, bind themselves, their heirs, executors, administrators, successors and assigns to the Owner to pay for labor, materials and equipment furnished for use in the performance of the Construction Contract, which is incorporated herein by reference, subject to the following terms.

§ 2 If the Contractor promptly makes payment of all sums due to Claimants, and defends, indemnifies and holds harmless the Owner from claims, demands, liens or suits by any person or entity seeking payment for labor, materials or equipment furnished for use in the performance of the Construction Contract, then the Surety and the Contractor shall have no obligation under this Bond.

§ 3 If there is no Owner Default under the Construction Contract, the Surety's obligation to the Owner under this Bond shall arise after the Owner has promptly notified the Contractor and the Surety (at the address described in Section 13) of claims, demands, liens or suits against the Owner or the Owner's property by any person or entity seeking payment for labor, materials or equipment furnished for use in the performance of the Construction Contract and tendered defense of such claims, demands, liens or suits to the Contractor and the Surety.

§ 4 When the Owner has satisfied the conditions in Section 3, the Surety shall promptly and at the Surety's expense defend, indemnify and hold harmless the Owner against a duly tendered claim, demand, lien or suit.

§ 5 The Surety's obligations to a Claimant under this Bond shall arise after the following:

§ 5.1 Claimants, who do not have a direct contract with the Contractor,

- **.1** have furnished a written notice of non-payment to the Contractor, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were, or equipment was, furnished or supplied or for whom the labor was done or performed, within ninety (90) days after having last performed labor or last furnished materials or equipment included in the Claim; and
- **.2** have sent a Claim to the Surety (at the address described in Section 13).

§ 5.2 Claimants, who are employed by or have a direct contract with the Contractor, have sent a Claim to the Surety (at the address described in Section 13).

§ 6 If a notice of non-payment required by Section 5.1.1 is given by the Owner to the Contractor, that is sufficient to satisfy a Claimant's obligation to furnish a written notice of non-payment under Section 5.1.1.

§ 7 When a Claimant has satisfied the conditions of Sections 5.1 or 5.2, whichever is applicable, the Surety shall promptly and at the Surety's expense take the following actions:

§ 7.1 Send an answer to the Claimant, with a copy to the Owner, within sixty (60) days after receipt of the Claim, stating the amounts that are undisputed and the basis for challenging any amounts that are disputed; and

§ 7.2 Pay or arrange for payment of any undisputed amounts.

§ 7.3 The Surety's failure to discharge its obligations under Section 7.1 or Section 7.2 shall not be deemed to constitute a waiver of defenses the Surety or Contractor may have or acquire as to a Claim, except as to undisputed amounts for which the Surety and Claimant have reached agreement. If, however, the Surety fails to discharge its obligations under Section 7.1 or Section 7.2, the Surety shall indemnify the Claimant for the reasonable attorney's fees the Claimant incurs thereafter to recover any sums found to be due and owing to the Claimant.

§ 8 The Surety's total obligation shall not exceed the amount of this Bond, plus the amount of reasonable attorney's fees provided under Section 7.3, and the amount of this Bond shall be credited for any payments made in good faith by the Surety.

§ 9 Amounts owed by the Owner to the Contractor under the Construction Contract shall be used for the performance of the Construction Contract and to satisfy claims, if any, under any construction performance bond. By the Contractor furnishing and the Owner accepting this Bond, they agree that all funds earned by the Contractor in the performance of the Construction Contract are dedicated to satisfy obligations of the Contractor and Surety under this Bond, subject to the Owner's priority to use the funds for the completion of the work.

§ 10 The Surety shall not be liable to the Owner, Claimants or others for obligations of the Contractor that are unrelated to the Construction Contract. The Owner shall not be liable for the payment of any costs or expenses of any Claimant under this Bond, and shall have under this Bond no obligation to make payments to, or give notice on behalf of, Claimants or otherwise have any obligations to Claimants under this Bond.

§ 11 The Surety hereby waives notice of any change, including changes of time, to the Construction Contract or to related subcontracts, purchase orders and other obligations.

§ 12 No suit or action shall be commenced by a Claimant under this Bond other than in a court of competent jurisdiction in the state in which the project that is the subject of the Construction Contract is located or after the expiration of one year from the date (1) on which the Claimant sent a Claim to the Surety pursuant to Section 5.1.2 or 5.2, or (2) on which the last labor or service was performed by anyone or the last materials or equipment were furnished by anyone under the Construction Contract, whichever of (1) or (2) first occurs. If the provisions of this Paragraph are void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.

§ 13 Notice and Claims to the Surety, the Owner or the Contractor shall be mailed or delivered to the address shown on the page on which their signature appears. Actual receipt of notice or Claims, however accomplished, shall be sufficient compliance as of the date received.

§ 14 When this Bond has been furnished to comply with a statutory or other legal requirement in the location where the construction was to be performed, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

§ 15 Upon request by any person or entity appearing to be a potential beneficiary of this Bond, the Contractor and Owner shall promptly furnish a copy of this Bond or shall permit a copy to be made.

§ 16 Definitions

§ 16.1 Claim. A written statement by the Claimant including at a minimum:

- **.1** the name of the Claimant;
- **.2** the name of the person for whom the labor was done, or materials or equipment furnished;
- **.3** a copy of the agreement or purchase order pursuant to which labor, materials or equipment was furnished for use in the performance of the Construction Contract;
- **.4** a brief description of the labor, materials or equipment furnished;
- **.5** the date on which the Claimant last performed labor or last furnished materials or equipment for use in the performance of the Construction Contract;
- **.6** the total amount earned by the Claimant for labor, materials or equipment furnished as of the date of the Claim;
- **.7** the total amount of previous payments received by the Claimant; and
- **.8** the total amount due and unpaid to the Claimant for labor, materials or equipment furnished as of the date of the Claim.

§ 16.2 Claimant. An individual or entity having a direct contract with the Contractor or with a subcontractor of the Contractor to furnish labor, materials or equipment for use in the performance of the Construction Contract. The term Claimant also includes any individual or entity that has rightfully asserted a claim under an applicable mechanic's lien or similar statute against the real property upon which the Project is located. The intent of this Bond shall be to include without limitation in the terms "labor, materials or equipment" that part of water, gas, power, light, heat, oil, gasoline, telephone service or rental equipment used in the Construction Contract, architectural and engineering services required for performance of the work of the Contractor and the Contractor's subcontractors, and all other items for which a mechanic's lien may be asserted in the jurisdiction where the labor, materials or equipment were furnished.

§ 16.3 Construction Contract. The agreement between the Owner and Contractor identified on the cover page, including all Contract Documents and all changes made to the agreement and the Contract Documents.

§ 16.4 Owner Default. Failure of the Owner, which has not been remedied or waived, to pay the Contractor as required under the Construction Contract or to perform and complete or comply with the other material terms of the Construction Contract.

§ 16.5 Contract Documents. All the documents that comprise the agreement between the Owner and Contractor.

§ 17 If this Bond is issued for an agreement between a Contractor and subcontractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

§ 18 Modifications to this bond are as follows:

(Space is provided below for additional signatures of added parties, other than those appearing on the cover page.)

CONTRACTOR AS PRINCIPAL		**SURETY**	
Company:	*(Corporate Seal)*	Company:	*(Corporate Seal)*
Signature:		Signature:	
Name and Title:		Name and Title:	
Address		Address	

S-2149/AS 8/10

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

DONNA M ROBIE, ELLEN J YOUNG, FRANK J SMITH, CHRISTINA D HICKEY, TARA L CLIFFORD

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

UNLIMITED

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 27th day of February, 2019.

Antonio C. Albanese, **Vice President** of Nationwide Mutual Insurance Company

NATIONWIDE MUTUAL INSURANCE COMPANY
SEAL
COLUMBUS, OH

ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss
On this 27th day of February, 2019, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Suzanne C. Dello
Notary Public, State of New York
No. 02DE6126649
Qualified in Westchester County
Commission Expires September 16, 2021

Notary Public
My Commission Expires
September 16, 2021

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this _____ day of _____, _____.

Laura B. Guy
Assistant Secretary

BDJ 1(02-19)00

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/08/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Charles River Insurance Brokerage, Inc.
5 Whittier St., 4th Floor
Framingham MA 01701

CONTACT NAME: Edward Bornstein
PHONE (A/C, No, Ext): (508) 656-1456 FAX (A/C, No): (508) 656-1499
E-MAIL ADDRESS: eb@charlesriverinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: First Liberty Insurance Corp.	33588
INSURER B: LM Insurance Corporation	33600
INSURER C: North River Insurance	21105
INSURER D: Associated Industries of Mass.	33758
INSURER E: Illinois Union Insurance Co.	27960
INSURER F: Continental Insurance Company	35289

INSURED (781) 786-6602
CTA Construction Managers, LLC
400 Totten Pond Road Suite 200
Waltham MA 02451

COVERAGES CERTIFICATE NUMBER: Cert ID 6364 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X CG0001 Incl X,C,U X Contractual Liab. GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	Y		TB2Z11260990079	05/30/2020	05/30/2021	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Deductible	$ 2,000,000 $ 100,000 $ 15,000 $ 2,000,000 $ 4,000,000 $ 4,000,000 $ None
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY	Y		AS6Z11260990029	05/30/2020	05/30/2021	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 2,000,000 $ $ $ Included $
CF	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $	Y		5811121179 - $15 mill 6081028016 - $10 mill	05/30/2020 05/30/2020	05/30/2021 05/30/2021	EACH OCCURRENCE AGGREGATE	$ 25,000,000 $ 25,000,000 $
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		VWC1006019515 (MA)	05/30/2020	05/30/2021	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
E	Pollution Liab incl mold	Y		COOG27416263	05/30/2019	05/30/2021	Limit/$15,000 SIR	$ 5,000,000
E	Professional Liability			COOG27416263	05/30/2019	05/30/2021	Limit/$25,000 SIR	$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project: Brookline High School Expansion, Tappan Gym and High School Third Floor Renovations

The Town of Brookline and William Rawn Associates, Architects, Inc. are listed as Additional Insured with regards to General Liability, Auto Liability, Pollution Liability and Umbrella Liability when required by written contract. The insurance covered by this certificate shall not be canceled, nor materially altered, except after thirty days prior written notice to the Town of Brookline.

CERTIFICATE HOLDER

Town of Brookline
333 Washington Street
Brookline MA 02445

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Edward Bornstein

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TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

February 16, 2021

TO: Select Board

FROM: Daniel Bennett, Building Commissioner
Charles A. Simmons, Director of Public Buildings CAS

SUBJECT: Authorization to Hire - Senior Maintenance Craftsperson/Carpenter

---

The Building Department is requesting permission to fill a vacancy due to a retirement in the Public Building's Division.

The open position will be Senior Maintenance Craftsperson/Carpenter. The position is budgeted in the present year operating budget.

Thank you for your consideration.

333 Washington Street, Brookline, Massachusetts 02445
Tel: (617) 730-2420 Fax: (617) 739-7542
csimmons@brooklinema.gov

Town of Brookline
Massachusetts

Authorization To Hire Request Form

1. Position **TITLE**: Senior Maintenance Craftsperson/Carpenter Grade: T209
2. Department: Building Division: Public Buildings
3. Position Control #: 250000016 Prior Incumbent: Mark Holmes
   a. Reason for Leaving: Retirement
4. Budgetary Information:

   Department Code: T372 Budget Code: 2510-510101(25%) 3430-510101(75%) % 100%

   ☐ Grant Funded-Name of Grant:_____ ☐ Revolving Fund ☐ Enterprise Fund

6. Employment Type:

   ☑ Full-Time: # of hours/week: 40 ☐ Part-Time: # of hours/week:_____

   ☐ Permanent ☐ Temporary: expected end date (required) ____/____/____

7. Method of Fill:

   ☐ Promotion – To be Posted Internally from: ____/____/____ to ____/____/____

   ☑ New Hire ☐ Transfer – Please explain: _____

8. List the top three essential functions of this position:
   1. - Maintenance
   2. - Building Maintenance
   3. - Painting

9. I have considered the following alternatives to filling this position:

   Hiring outside vendors.

10. The alternatives are less desirable than new hire action for the following reasons:-continued on reverse side-

    Would cost the Town more money and be less efficient.

- continued on the reverse side -

Authorization To Hire Request Form

11. Suggested sources for specialized recruitment advertising: (other than local papers)

Human Resources will work closely with the department to post the position widely with the Diversity Network, ZipRecruiter, Indeed, which all have multiple targeted affinity group job boards, as well as related professional groups.

12. Please attach the current position description.

13. Signatures:

Department Head Signature: _____ Date: 2/18/21

Human Resources Director: Leslea Noble Digitally signed by Leslea Noble DN: cn=Leslea Noble, o=Town of Brookline, ou=HR, email=lnoble@brooklinema.gov, c=US Date: 2021.02.22 08:26:06 -05'00' Date: _____

Town Administrator: _____ Date: _____

14. Approvals:

Date on BOS Agenda: _____ Date Approved: _____

15. Notes:

Grade MN-06

SENIOR MAINTENANCE CRAFTSPERSON

PRIMARY PURPOSE
Licensed manual trade work maintaining and repairing town facilities; other related work, as required.

ESSENTIAL DUTIES AND RESPONSIBILITIES
The essential functions or duties listed below are illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

GENERAL MAINTENANCE ACTIVITIES
Based on skills and training, and the needs of the department for specific trade specialties, a Senior Maintenance Craftsperson performs a range of skilled and semi-skilled maintenance, repair and building construction related activities which may include carpentry, plumbing, electrical, HVAC or other technical skills. Each Senior Maintenance Craftsperson performs a range of maintenance activities, including painting, basic carpentry etc, but is a specialist in a particular field or trade.

CARPENTRY RELATED ACTIVITIES
Perform carpentry related repair and maintenance work; repair doors; replace locks and hardware; replace and repair panic bars and LCN hydraulic door closers.

Repair, replace and install flooring (hardwood, sheet vinyl, carpet, etc.), window systems and ceiling systems; install shelving; hang and install pictures, bulletin boards, cork boards, and chalkboards; repair wall covering; patch and repair walls; perform painting and staining activities.

Order and pick up supplies; install kitchen and bathroom fixtures; perform masonry and concrete work; perform finish carpentry work, such as trimming out windows and doors; perform plastering, roofing, and metal work, including custom bending and fabricating.

Perform small construction build-outs, including metal studded walls, dry wall installation and finishing; frame and install new doors and windows; may perform asbestos removal and de-leading work to ensure compliance with applicable safety practices and standards.

PLUMBING RELATED ACTIVITIES
Perform plumbing related repair and maintenance work; responsible for installation and ongoing repair and maintenance of plumbing and heating systems, gas and sprinkler systems in town buildings and properties, and landscape sprinkler systems.

Troubleshoot, lay out, order supplies and install necessary equipment, controls, piping and fixtures.

Coordinate jobs with other personnel and outside contractors; assist other department personnel performing light maintenance assignments.

ELECTRICAL RELATED ACTIVITIES
Perform electrical work in town buildings; maintain and install electrical equipment (distribution and signaling devices, including fire alarms, burglar alarms, keycard access, phone and data lines, and energy management systems); design and build control systems; install video surveillance systems; calculate load requirements for transformers.

Perform inspections and troubleshoot motor control circuits, energy management circuits and key card systems; perform testing for state elevator inspector; repair and replace electrical equipment (ballast, switches, receptacles, motor starters); responsible for power and lighting at special events at the high school.

Perform work on lighting and heating systems; transport "genie lift" on trailer to various buildings; perform basic repairs on building generators; coordinate jobs with other personnel and outside contractors; assist other department personnel performing light maintenance assignments to ensure compliance with applicable safety practices and standards; operate "genie lift" and bucket truck.

Perform similar or related work as required, or as situation dictates.

HEATING, VENTILATION AND AIR CONDITIONING (HVAC) RELATED ACTIVITIES
Perform HVAC work in town buildings; maintain, service and install HVAC equipment along with associated automatic temperature controllers devices, facility management systems and components.

Perform testing and troubleshooting of all types and sizes of hvac equipment such as package chillers, package ac units, split multi stage ac units, ductless units, air handling units, boilers etc.
Perform testing and troubleshooting of all software related field controllers with use of laptop computer and other required software tools while maintaining software database backups.

Perform hvac preventive maintenance on all equipment such as air handling units, fan coil units, exhaust fans, condensing units, circulator pumps, air compressors, variable frequency drives, heating and chilled water systems etc. Maintenance shall include thorough inspections of all equipment, replacement and alignment of belts, shafts and pulleys, Lubrication or replacement of bearings, motors, pumps and seals. Replacement of air filters, cleaning of evaporator coils, condenser coils and evaporator

drain pans and water treatment. Maintain records on work order software application of all above equipment such as equipment location, size, model, replacement parts, scheduled maintenance dates, recommended repairs etc.

SUPERVISION

Works under the general direction of the Director of Public Buildings and Operations Manager, following department rules and regulations; the supervisor establishes priorities, and provides work orders, general instructions and work assignments.

WORK ENVIRONMENT

Most work is performed inside buildings; some work may be performed outside in field conditions; work involves exposure to constant loud noise and exposure to potentially dangerous equipment. The workload and type of work is subject to seasonal fluctuations which can be specifically anticipated.

The employee operates power, pneumatic and hand tools, trucks and other light equipment, and standard office equipment.

The employee has contact with other departments, suppliers and contractors.

Errors could result in personal injury, injury to others, financial loss, delay or loss of service and damage to equipment.

RECOMMENDED MINIMUM QUALIFICATIONS

EDUCATION AND EXPERIENCE

High school diploma; additional technical training in carpentry, plumbing or electrical work; three to five years of experience performing building maintenance and rough and finished carpentry work; or three to five years of experience performing a range of electrical work; or three to five years of hvac and plumbing; or an equivalent combination of education and experience.

ADDITIONAL REQUIREMENTS

Valid Driver's License, Class D
May require specialized licenses or certifications (Asbestos Removal or Lead Paint Removal, Construction Supervisor's License).
Massachusetts Journeyman Plumber's License
Massachusetts Journeyman Electrician License
Massachusetts Journeyman Refrigeration/HVAC License
Massachusetts CFC Certification

KNOWLEDGE, ABILITY AND SKILL

Knowledge of the principles of building maintenance, new construction techniques, commercial construction, locksmith, painting, masonry, rough and finished carpentry, window and door installation, and other maintenance functions.

Knowledge of the Massachusetts Electrical Code, the principles and practices of electrical wiring and requirements for electrical service, fire alarms, energy management, HVAC controls and key card access systems.

Knowledge of the principles of hvac and plumbing, plumbing codes, tools, techniques, equipment, and procedures, including all safety procedures used to maintain plumbing and heating systems and pipefitting.

Ability to read plans and specifications, make repairs and address unique situations, lift heavy objects and perform strenuous labor, use power and hand tools and respond to emergencies to prevent damage.

Skill in using hand and power tools; troubleshooting and problem-solving skills.

PHYSICAL REQUIREMENTS

Work is generally performed inside buildings; some work is performed outside in field conditions; strenuous physical effort is required. The employee is frequently required to use hands to operate equipment, walk, stand, sit, speak, hear, reach with hands and arms, crouch, crawl, stoop, and climb, and lift or move items weighing up to 60 pounds, including tools, staging, ladders, plywood and sheet rock, stock and materials, and motors. Vision requirements include the ability to read documents, plans, and specifications and operate tools and vehicles.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

TOWN of BROOKLINE
Massachusetts

MELVIN A. KLECKNER
TOWN ADMINISTRATOR

333 WASHINGTON STREET
BROOKLINE, MASSACHUSETTS 02445
TEL. (617) 730-2211
FAX: (617) 730-2054
www.brooklinema.gov

Memorandum

To: Select Board
From: Mel Kleckner, Town Administrator
Subject: Fire Chief Employment Agreement
Date: Friday, February 26, 2021

The Fire Chief's term of appointment and employment agreement expire on March 25, 2021. In accordance with the terms of his original agreement, both the Fire Chief and the Select Board were obligated to advise each other of their intent to enter into another employment agreement. Both parties did so, and I have been negotiating the renewal of the agreement with Chief Sullivan.

I am recommending renewal of Mr. Sullivan's appointment and a new employment agreement for three years. Mr. Sullivan's base compensation will be consistent with whatever raise (or not) other department heads receive. He does receive some fringe benefits unique to firefighters that will be increased to keep pace with the levels the union has negotiated since his contract was first approved. I am also recommending the establishment of a stipend for the Emergency Management Director role that John has assumed. He has elevated the role and capacity of the Town's emergency management system, especially through the COVID pandemic.

John Sullivan's performance and professionalism as the Town's Fire Chief is outstanding. I recommend the Select Board vote to renew his appointment as Fire Chief for a three year period effective March 26, 2021, and that you approve and execute the proposed extension of his employment as follows;

> **MOVED:**
> That the Select Board reappoints John F. Sullivan as Fire Chief for a three year period commencing on March 26, 2021 and approves the renewal of his Employment Agreement in the document attached; TOWN OF BROOKLINE, MASSACHUSETTS FIRE CHIEF EMPLOYMENT CONTRACT (3/26/2021 – 3/25/2024).

Attached is the proposed employment agreement.

TOWN OF BROOKLINE, MASSACHUSETTS
FIRE CHIEF EMPLOYMENT CONTRACT
(3/26/2021 – 3/25/2024)

AGREEMENT made this — day of February 2021, by and between the Town of Brookline, a municipal corporation located in Norfolk County, Massachusetts, acting through its Select Board, hereinafter referred to as the "Board", and John F. Sullivan, of Worcester, Massachusetts, Fire Chief and Emergency Management Director of the Town of Brookline, hereinafter referred to as "Fire Chief Sullivan".

WHEREAS, The Board voted to appoint John F. Sullivan as the Fire Chief of the Town of Brookline effective March 26, 2018 in accordance with the provisions of Chapter 534 of the Acts of 1973 as amended by Chapter 89 of the Acts of 2009 and Chapter 270 of the Acts of 1985, as amended;

WHEREAS, John F. Sullivan has accepted the appointment as Fire Chief and has taken the oath of office as Fire Chief;

WHEREAS, the Board and John F. Sullivan desire to enter into this successor employment contract;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties mutually covenant and agree as follows:

I. Appointment

The Town, acting through its Select Board, acknowledges the appointment of John F. Sullivan as Fire Chief and Emergency Management Director of the Town of Brookline.

II. Term

The Town employs John F. Sullivan as its Fire Chief and Emergency Management Director for a term of three (3) years beginning March 26, 2021 and

expiring on March 25, 2024, unless earlier terminated under the provisions of this contract. The provisions of this Contract shall be effective upon the execution date of this Agreement or as otherwise provided herein.

III. Compensation

The Fire Chief shall be paid a weekly rate of $3,305.71 with an annual rate of $172,557.86 in accordance with the salary classification plan for Town Department Heads, as updated and amended from time to time by the Board. The Fire Chief position shall continue to be classified in Grade D-9, and at the rate provided at Grade D-9, Step 12. The salary and associated compensations of the Fire Chief shall be adjusted from year to year in conformance with the administration of the salary classification plan and this agreement.

IV. Benefits

Fire Chief Sullivan shall enjoy the same benefits that are available to other Town Department Heads and non-union employees, unless otherwise stated herein and more specifically, but not limited to:

A. Health Insurance – Fire Chief Sullivan shall be eligible for all of the health insurance benefits available to other non-union Town employees. He shall also be subject to the same rules and obligations of whatever health plan he chooses as other non-union Town employees. The Town may modify Fire Chief Sullivan's health insurance contribution rate in the same manner that other non-union Town employees' rates are changed.

B. Vacation Leave –Fire Chief Sullivan shall be entitled to the same vacation leave benefits available to Town Department Heads. Effective July1, 2021, the Fire Chief shall be entitled to two weeks of vacation annually. Effective July 1, 2022 the Fire Chief shall be entitled to three weeks of vacation annually. The Fire Chief shall not be eligible for the annual

vacation leave buyback program, but shall instead be entitled to the Career Retention Incentive Program as outlined in section P of this contract.

C. Administrative Leave –Fire Chief Sullivan shall be entitled to administrative leave benefits to the same extent as other Department Heads and non-union Town employees.

D. Retirement System – Fire Chief Sullivan shall be a member of the Brookline Retirement System and subject to all the rights and obligations associated therewith.

E. Holidays – Fire Chief Sullivan shall be entitled to holiday pay for 13 holidays annually at the rate of 1.5 times his daily base salary as specified in the salary classification plan.

F. Longevity – Fire Chief Sullivan shall be entitled to the same Longevity benefits as other non-union Town employees.

G. Sick Leave –Fire Chief Sullivan shall be entitled to the same sick leave benefits as other non-union Town employees. Upon the conclusion of his employment with the Town, Fire Chief Sullivan will be entitled to compensation for his unused sick leave or any portion thereof in accordance with prevailing Town practice and policy then in effect for Town Department Heads and non-union employees.

H. Life Insurance – Fire Chief Sullivan shall be entitled to the same life insurance benefits as other Department Heads and non-union Town employees.

I. Deferred Compensation – Fire Chief Sullivan may participate in any Town approved deferred compensation program for which payroll deductions are authorized.

J. Automobile – It is expected that Fire Chief Sullivan will respond to the needs or emergencies of the Town when necessary or required. As a result, Fire Chief Sullivan will be provided with an unmarked Brookline Fire Department automobile for his exclusive and unrestricted use so that he may respond to emergencies and other matters from wherever he may be. At a minimum, this automobile shall be equipped with a fire radio, telephone, siren, emergency warning lights and other Fire equipment. The cost associated with the operation and maintenance of this Fire vehicle shall be borne by the Town.

K. Leave for Injuries on Duty – Fire Chief Sullivan shall be eligible for compensation and payment of medical expenses for injuries received while acting within the scope of his employment pursuant to the provisions of G.L. c. 41, s. 100 and G.L. c. 41, s. 111F.

L. Uniform Allowance – Fire Chief Sullivan shall be entitled to a uniform allowance in accordance with the practice prevailing within the Fire Department.

M. Education Incentive Pay – Fire Chief Sullivan shall be entitled to an annual education incentive pay in the amount of $12,500 due to his Master of Public Administration. Such pay shall be made in accordance with the prevailing practice in the Fire Department.

N. Disability Benefits – Fire Chief Sullivan shall be entitled to the same disability benefits available to Town Department Heads.

O. Chief Fire Officer Pay – Fire Chief Sullivan shall receive Chief Fire Officer Pay at seven and one-half (7.5) percent of this base pay described

herein at Paragraph III for as long as he maintains his Chief Fire Officer Designation.

P. Career Retention Incentive Program – Effective July 1, 2021 shall receive an annual Career Retention Incentive payment equivalent to two weeks of pay. Career Retention Incentive payments shall be paid at the same time and in the same manner as Longevity payments.

Q. Emergency Management Director – In addition to the duties of Fire Chief, Chief Sullivan will act as the Town of Brookline's Emergency Management Director, with direct supervision of all personnel, operations, facilities and logistics of the Town's Emergency Operations department. For the performance of these additional duties, he shall receive compensation at a flat rate of $7,500.00 in year one of this contract with an additional $2,500.00 each successive year.

V. Professional Development

A. The Town recognizes that Fire Chief Sullivan should acquire knowledge of the latest developments in the field of public safety and firefighting and that he should seek to advance the interest of public safety in Brookline by his enrollment in related courses, seminars and programs, by his membership in professional organizations, and by his attendance at meetings and conferences convened for fire professionals and executives, provided that such participation does not unreasonably interfere with the performance of his duties as Fire Chief and Emergency Management Director.

B. The Town agrees to provide funds to pay, with the approval of the Town Administrator, for his professional dues and subscriptions for his membership and participation in organizations necessary and desirable for

his continued professional growth such as the International Fire Chiefs Association and the Massachusetts Fire Chiefs Association.

C. The Town agrees that the Fire Chief shall be given adequate opportunities to develop his skills and abilities as a fire professional. The Fire Chief is expected to attend conferences, meetings, seminars and programs which are related to his employment as Fire Chief and Emergency Management Director. Furthermore, the Fire Chief will also be allowed to attend, with the prior approval of the Town Administrator, the annual conferences of the International Fire Chiefs Association, and other appropriate organizations. The Town shall reimburse the Fire Chief for all reasonable and related expenses incurred while attending these conferences.

D. The Town shall, with the approval of the Select Board, pay for those out-of-state travel expenses and costs which are directly related to Fire Chief Sullivan's employment as Fire Chief and Emergency Management Director.

VI. Termination for Cause and Severance Pay.

A. The Town, by a vote of at least three Select Board members, may terminate this contract and remove Fire Chief Sullivan from office, but only for good cause and only in accordance with the provisions of this contract.

B. If termination is contemplated, Fire Chief Sullivan shall receive written notice stating the reason(s) for removal from office at least ten (10) days prior to the hearing on the merits of the charges that could substantiate a termination. Said reason(s) shall be presented with sufficient specificity so that Fire Chief Sullivan may understand and prepare his response, if any, to such notice.

C. No later than twenty-one (21) days following the receipt of the notice with reason(s) for the contemplated termination, unless otherwise agreed by Fire Chief Sullivan and the Board, the Board shall conduct a hearing, which shall be public, unless Fire Chief Sullivan requests that it not be public, in which case, the Board shall vote to go into executive session under G.L. c. 39, s. 23B. At the hearing Fire Chief Sullivan shall be given the opportunity to respond to the reason(s) for the termination. During the hearing, Fire Chief Sullivan shall have the right to be represented by counsel, to introduce evidence; to call, question, confront and cross examine witnesses; and to conduct oral arguments. Evidence may be admitted and given probative effect if it is the kind of evidence upon which reasonable people are accustomed to rely in the conduct of serious affairs. The Board may hear and consider such evidence as is offered by the parties which it deems to be relevant, reliable and probative to the charges for the proposed termination.

D. If the decision of the Board is to terminate Fire Chief Sullivan, the reason for termination shall be stated in such decision so that Chief Sullivan is informed of the basis for the termination. If terminated, Fire Chief Sullivan shall be entitled to severance pay under the vote of the Select Board of May 16, 1977, (attached) excluding the use of an automobile which shall terminate immediately. NOTWITHSTANDING THE ABOVE, in the event of a suspension or termination under and in accordance with the provision of G.L. c. 268A, s. 25, the Board shall determine when such compensation and benefits shall cease. Provided always, that such determination is in accordance with said statute. This subsection shall not interfere with or change any rights or obligations that Fire Chief Sullivan may have under state or federal law with respect to retirement benefits or the continuation of group health care benefits at Fire Chief Sullivan's expense.

VII. Resignation

A. Fire Chief Sullivan may voluntarily resign before the expiration date of this contract, in which case he shall give the Board forty-five (45) days written notice prior to the effective date of his resignation, unless otherwise agreed by the parties in writing.

B. Except in the event that Fire Chief Sullivan elects to resign in accordance with the provisions of Subsection VIII(C), Fire Chief Sullivan's pay, compensation, benefits and expenses shall cease on the effective date of his resignation, unless sooner terminated under the provisions of this contract, subject to any rights and obligations under state and federal law with respect to retirement benefits and the continuation of group health care benefits at Fire Chief Sullivan's expense.

VIII. Reappointment

A. The Board shall notify Fire Chief Sullivan in writing, of its decision to reappoint or not reappoint Fire Chief Sullivan to a successor term as Fire Chief no later than September 1, 2023 unless otherwise agreed to in writing by Fire Chief Sullivan. In the event that the Board decides not to reappoint Fire Chief Sullivan, there is no obligation on the Board's part to specify or indicate in any way the basis for the decision not to reappoint.

B. If the Board's decision is to reappoint Fire Chief Sullivan, the parties will commence negotiations for a successor agreement and will endeavor to reach agreement on a successor contract on or before February 1, 2024.

C. If the Board does not decide to reappoint Fire Chief Sullivan for a successor three-year term on or before February 1, 2024, Fire Chief Sullivan may resign in accordance with the provisions in Section VII of this contract and shall also be entitled to his then current pay, compensation, benefits and expenses for the balance of the term of this

contract. If he is not reappointed, Fire Chief Sullivan shall not be entitled to separation compensation that otherwise would be available to Department Heads.

D. If the Board fails to reappoint Fire Chief Sullivan, Fire Chief Sullivan may elect to serve out the balance of his term as Fire Chief unless he sooner resigns in accordance with the provisions of Section VII or is terminated by the Board in accordance with the provisions of Section VI.

IX. Duties

Fire Chief Sullivan shall faithfully and to the best of his abilities discharge and perform the duties and responsibilities of the Fire Chief and Emergency Management Director , as set forth in the Massachusetts General Laws and as delegated to him by the Select Board. He shall fulfill all aspects of this contract. He shall serve and perform such duties and responsibilities at such times and places and in such manner as the Board may from time to time direct.

X. Performance Evaluation

Fire Chief Sullivan's performance shall be evaluated at least once each contract year in accordance with the prevailing Town policy and practice for evaluations of Department Heads.

XI. Outside Activities

Fire Chief Sullivan may accept speaking, writing, lecturing, teaching or other engagements of a professional nature as he sees fit, provided they do not interfere with the performance and discharge of his duties and responsibilities as Fire Chief and Emergency Management Director. Any such engagements that are scheduled for performance over a cycle in excess of five (5) days must be sanctioned and approved in advance by the Town Administrator. Except as provided herein, Fire Chief Sullivan shall be entitled to the same Department Head Consulting Policy as other Town Department Heads

XII. Indemnification

Fire Chief Sullivan shall be indemnified by the Town, pursuant to and as limited by General Laws, Chapter 258, Sections 2 and 9, and other relevant provisions of law and the By-Laws of the Town, for any claim made against him arising out of the performance of his duties and responsibilities as Fire Chief and Emergency Management Director. The Town shall indemnify Fire Chief Sullivan to the fullest extent allowable by statute in accordance with the provisions of G.L. C. 258, s. 9.

XIII. Entire Agreement

This contract constitutes the entire agreement of the parties hereto and may not be altered, amended or modified except by an agreement in writing, signed by all parties and specifically referring to this contract.

XIV. Notices

Any notice required or permitted to be given under this contract to either party shall be in writing and shall be sent by registered or certified mail, postage prepaid, or delivered in hand to:

a. The Town: Town Administrator, Brookline Town Hall, 333 Washington Street, Brookline, MA 02445
b. The Fire Chief: John F. Sullivan, 54 Mount Avenue, Worcester, MA 01606 or such other address as he may provide in writing.

XV. Severability

If any provision, or any portion thereof, contained in this contract is held unconstitutional, invalid, or unenforceable, the remainder of this contract or any portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect. In the event of a conflict between this Agreement and the Enabling Act, the provisions of the Enabling Act shall control.

John F. Sullivan
Fire Chief/Emergency Management Director

_____

Date: _____

Town of Brookline

By: _____
Bernard Greene, Chair

_____
Heather Hamilton, Vice Chair

_____
Nancy Heller

_____
Raul Fernandez

_____
John VanScoyoc

SELECT BOARD

Approved as to form:

_____
Joslin Murphy, Town Counsel

Town of Brookline FY22 Program Budget

Public Safety l Fire

Program Description

The Fire Department's primary function is to provide fire protection and emergency response services. The Department provides assistance during incidents involving hazardous materials, water rescue, and during all other emergencies requiring trained rescue personnel and equipment. The Department is a core component of the Town's Emergency Medical Services (EMS) system, with all companies (five engines and two ladders) staffed by certified Emergency Medical Technicians (EMTs) serving as first responders. Ambulance services are provided by Fallon Ambulance. Per a contract with the Town, Fallon maintains two Advanced Life Support (ALS) ambulances within town borders.

The primary duties of the Department are to prevent the occurrence of fires; to protect lives and property should a fire occur; to provide emergency medical services; to deliver emergency services to the scene of an incident within four minutes; and to promote a climate of safety by decreasing or eliminating unreasonable threat from fire.

The Department is broken into the following five sub-programs:

1. The main function of the **Administration Sub-program** is to provide overall leadership and policy direction for the Department. The assigned staff includes the Chief, the Chief of Operations (which is a re-assigned Deputy Chief), an Executive Assistant, an IT Systems Analyst, and the Public Safety Business Office staff, which is shared with the Police Department.
2. The **Suppression Sub-program** prevents fires and extinguishes fires should they occur; initiates rescues when necessary; performs in-service inspections and pre-fire planning; maintains EMT-staffed fire companies; and performs other emergency services requiring trained and properly equipped personnel. To deliver these services, seven fire companies, manning five engines and two ladder trucks, each with minimum staffing of four firefighters, are housed in five fire stations. The assigned staff totals one hundred sixty: six Deputy Chiefs, nine Captains, twenty three Lieutenants, and one hundred thirteen Firefighters.
3. The **Fire Prevention Sub-program** enforces all laws and ordinances; issues fire safety permits; investigates all fires and forwards appropriate reports to the State Fire Marshal; educates the public on fire prevention topics and techniques;

manages in-service fire company inspections; handles fire safety-related citizen complaints; and approves building plans relating to fire protection. One Deputy Chief, two Lieutenants, and a Clerk staff this Division.

4. The **Equipment Maintenance Sub-program** repairs and maintains the Department's apparatus and related equipment, such as hoses, fittings, self-contained breathing apparatus, and emergency tools. The goal of the Division is to ensure that the Department's fleet of vehicles and emergency equipment is in working condition at all times. A Chief Mechanic and a Repairman staff this division.

5. The **Training Sub-program** promotes the uniformed personnel's development of required skills, knowledge, and abilities by providing continuous "hands on" training; instructs newly recruited firefighters in a basic seven-week training course; coordinates State-level satellite training programs; and tests new firefighting equipment and techniques. Members of this unit also serve as the Safety Officer at any fire related incident. It is staffed by a Deputy Chief and a Captain.

6. The **Emergency Management Sub-program i**s a new function under the Fire Department in FY 2021. The EM Sub-program is responsible for coordination of all local emergency planning, preparedness, response, mitigation, and recovery from natural and man made catastrophic events. It centralizes the administration of the various emergency management functions of the Town such as, preparing and maintaining the Emergency Operations Plan, ensuring the functionality and staffing of the Emergency Operations Center, seeking and administering EM grants, coordination of the Town's Local Emergency Planning Committee (LEPC) as well as the Citizens Emergency Response Teams (CERT) and the much heralded Emergency Preparedness (EP) Buddies program.

<u>FY22 Objectives</u>

1. To minimize the negative effects of fires and other emergencies by providing a rapid deployment of adequate personnel, trained to the highest level possible.
2. To provide the same or better level of service, within the budget provided, as compared with FY21.
3. To work with Brookline Firefighters Association – Local 950 and town officials to develop effective and cost efficient means of minimizing health and safety dangers to firefighters. The mission of having a healthy workforce responding to emergency calls benefits the community as a whole.
4. To continue to help develop and advance the goals and objectives of the Town’s Emergency Management Team.
5. To have the Fire Prevention Division oversee the inspections of all residential buildings containing six or more units, for fire/safety hazards.
6. To finalize revisions to the Brookline Fire Department rules and regulations.
7. To ensure the current budgeted complement of firefighters and company officers are maintained through prompt hiring and promotion.
8. To work collaboratively with our regional partners to leverage state and federal funds for firefighter training, safety and wellness.
9. To update/develop departmental SOG’s to insure relevancy and currency..

10. To continue holding bi-annual Chief Officer Staff meetings to help cultivate the department's mission and vision, and to encourage professional development.

FY21 Accomplishments

1. Provided the same or better superior level of service, within the budget, as compared with FY20.
2. Responded to over 95% of calls in fewer than 4 minutes, exceeding NFPA 1710 minimum response time standards.
3. Responded to 100% of all structure fires with a full first alarm assignment, in compliance with NFPA 1710 standards.
4. Maintained a Class 1 I.S.O. (Insurance Services Office) certification, resulting in an overall cost saving for all fire insurance policies within the town.
5. Continued to help develop and advance the goals and objectives of the Town's Emergency Management Team through active participation and collaboration.
6. Trained/refreshed the department membership in both proficiency and developmental firefighting practices.
7. Trained five additional firefighters as Emergency Medical Technicians.
8. Participated in professional organizations i.e. Metro Fire Chiefs, Norfolk County Chiefs, and Fire Chief's Association of Massachusetts to stay current with ongoing initiatives in hazardous materials, communications, civil service, EMS, tech rescue, and other areas of concern
9. Actively participated with Metro Boston Homeland Security Region (M.B.H.S.R.) and Urban Area Security Initiative (U.A.S.I.) partners for continuing preparation involving training and resources acquisition.
10. Continued to expand the use of technology in the Department.

FY22 Budget Line Item Report

Collapse All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 15,362,728	$ 15,734,789	$ 15,865,351	130,562	0.82%
(510101) PERMANENT FULL TIME	11,312,589	11,954,667	12,080,445	125,778	1.04%
(510140) SHIFT DIFFERENTIAL	859,437	883,770	883,769	-1	-0.00%
(510143) WORKING OUT OF CLASS	92,347	131,740	131,739	-1	-0.00%
(510300) OVERTIME PAY	719,011	723,477	725,477	2,000	0.28%
(513042) EDUCATIONAL INCENTIVE PAY	417,833	454,966	453,250	-1,716	-0.38%
(513044) LONGEVITY PAY	58,700	64,000	68,500	4,500	6.57%
(514501) EXTRA COMPENSATION	60,812	750	750	0	0.00%
(514502) SPECIALTY PAY	0	15,600	15,600	0	0.00%
(514506) EMT PAY	472,378	537,044	537,044	0	0.00%
(514510) SICK PAY BUYOUT	20,000	0	0	0	0.00%
(515041) HOLIDAY PAY	575,969	588,201	588,204	3	0.00%
(515058) VACATION BUYOUT	193,846	149,083	149,083	0	0.00%
(515059) A DAY BUYOUT	36,564	101,156	101,155	-1	-0.00%
(515080) INJURED ON THE JOB	416,287	0	0	0	0.00%
(515501) CLOTHING-UNIFORM ALLOWANCE	126,455	129,835	129,835	0	0.00%
(515505) TOOL ALLOWANCE	500	500	500	0	0.00%
SERVICES	114,744	151,426	168,426	17,000	10.09%
(522015) D P EQUIP R & M	2,016	1,000	1,000	0	0.00%
(522016) COMPUTER SOFTWARE R & M	20,867	21,000	38,000	17,000	44.74%
(522017) COMMUNICATIONS EQUIP R & M	5,446	8,900	8,900	0	0.00%
(522040) PUBLIC SAFETY EQUIP R & M	3,936	5,000	5,000	0	0.00%
(522070) MOTOR VEHICLE/EQUIP R & M	54,113	65,000	65,000	0	0.00%
(522090) OTHER EQUIP R & M	75	0	0	0	0.00%
(523011) COPY EQUIP RENTAL/LEASES	1,189	1,595	1,595	0	0.00%
(523071) OTHER EQUIPMENT RENTAL/LEASE	331	350	350	0	0.00%
(523090) OTHER RENTALS/LEASES	3,988	3,500	3,500	0	0.00%
(524010) PROFESSIONAL/TECH SERVICE	4,914	24,000	24,000	0	0.00%
(525001) TELEPHONE & TELEGRAPH	4,486	5,000	5,000	0	0.00%
(525002) WIRELESS COMMUNICATIONS	13,383	15,081	15,081	0	0.00%
(525022) POSTAGE	0	1,000	1,000	0	0.00%
SUPPLIES	138,690	126,952	126,952	0	0.00%
(531012) OFFICE SUPPLIES	6,314	8,700	8,700	0	0.00%
(531050) GENERAL SUPPLIES	6,526	17,000	17,000	0	0.00%
(532030) MAINTENANCE SUPPLIES	12,476	12,000	12,000	0	0.00%
(533210) MEALS & RECEPTIONS	1,221	0	0	0	0.00%
(534213) OILS & LUBRICANTS	15,469	1,750	1,750	0	0.00%
(534220) TIRES	4,292	7,500	7,500	0	0.00%
(534230) MOTOR VEHICLE SUPPLIES	19,604	35,000	35,000	0	0.00%
(539012) BOOKS & PERIODICALS	0	2,260	2,260	0	0.00%
(539031) PUBLIC SAFETY SUPPLIES	27,089	25,678	25,678	0	0.00%
(539035) UNIFORMS & PROTECTIVE CLO	45,698	17,064	17,064	0	0.00%
OTHER	28,851	27,100	27,100	0	0.00%
(551020) IN STATE TRAVEL -OTHER	792	2,000	2,000	0	0.00%
(551099) EDUCATION/TRAINING/CONFERENCES	7,857	7,600	7,600	0	0.00%
(553010) PROFESSIONAL DUES/MEMBERS	6,865	7,500	7,500	0	0.00%
(558090) REIMBURSEMENTS	13,337	10,000	10,000	0	0.00%
UTILITIES	196,832	212,883	225,037	12,154	5.40%
(561010) ELECTRICITY	65,909	75,060	73,453	-1,607	-2.19%
(561011) NATURAL GAS	64,182	74,833	72,373	-2,460	-3.40%
(561020) GENERATOR FUEL	0	1,076	500	-576	-115.20%
(561021) GASOLINE	14,786	14,473	17,538	3,065	17.48%
(561022) DIESEL	38,500	30,441	44,673	14,232	31.86%
(561030) WATER	13,455	17,000	16,500	-500	-3.03%
BUDGETED CAPITAL	263,298	68,606	68,606	0	0.00%
(5A0001) AUTOMOBILES	46,811	0	0	0	0.00%
(5A0003) PUBLIC SAFETY EQUIPMENT-BUD	190,566	46,210	46,210	0	0.00%
(5A0017) LEASED COMPUTER EQUIPMENT	25,921	22,396	22,396	0	0.00%
Total	$ 16,105,142	$ 16,321,756	$ 16,481,472	159,716	0.97%

Data filtered by EXPENSES, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
REVENUES	$ 352,468	$ 270,000	$ 220,000	-50,000	-22.73%
Revenues Less Expenses	$ 352,468	$ 270,000	$ 220,000	-50,000	-22.73%

Data filtered by Types, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

Administration

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 670,910	$ 687,133	$ 687,139	6	0.00%
SERVICES	114,117	151,426	168,426	17,000	10.09%
SUPPLIES	130,870	126,952	126,952	0	0.00%
OTHER	28,676	27,100	27,100	0	0.00%
UTILITIES	196,832	212,883	225,037	12,154	5.40%
BUDGETED CAPITAL	261,968	68,606	68,606	0	0.00%
Total	$ 1,403,372	$ 1,274,100	$ 1,303,260	29,160	2.24%

Data filtered by EXPENSES, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

Firefighting

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 13,294,822	$ 13,853,770	$ 13,977,051	123,281	0.88%
SUPPLIES	6,328	0	0	0	0.00%
OTHER	175	0	0	0	0.00%
Total	$ 13,301,324	$ 13,853,770	$ 13,977,051	123,281	0.88%

Data filtered by EXPENSES, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

Fire Prevention

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 471,714	$ 541,717	$ 452,763	-88,954	-19.65%
BUDGETED CAPITAL	670	0	0	0	0.00%
Total	$ 472,384	$ 541,717	$ 452,763	-88,954	-19.65%

Data filtered by EXPENSES, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

Equipment Maintenance

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 210,855	$ 142,849	$ 144,037	1,188	0.83%
SERVICES	627	0	0	0	0.00%
SUPPLIES	1,492	0	0	0	0.00%
Total	$ 212,974	$ 142,849	$ 144,037	1,188	0.83%

Data filtered by EXPENSES, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

Training

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
▸ SALARIES	$ 714,427	$ 509,321	$ 566,360	57,040	10.07%
▸ BUDGETED CAPITAL	660	0	0	0	0.00%
Total	$ 715,087	$ 509,321	$ 566,360	57,040	10.07%

Data filtered by EXPENSES, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

Emergency Management

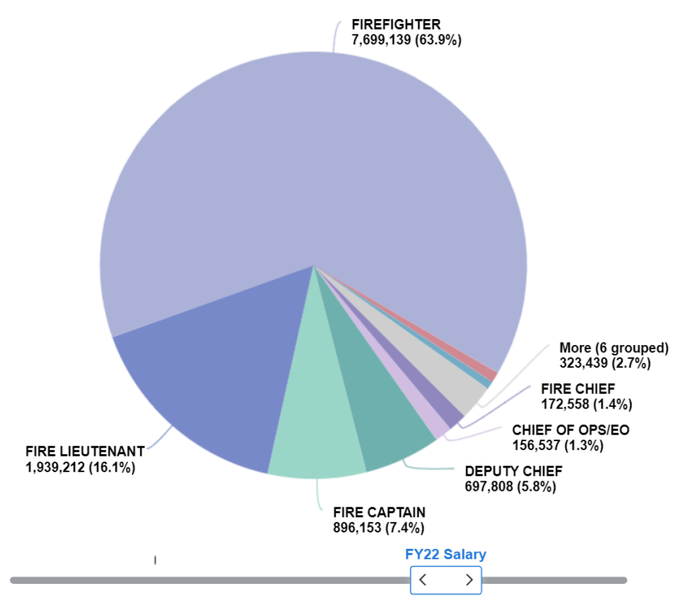
Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
▸ SALARIES	$ 0	$ 0	$ 38,000	38,000	100.00%
Total	$ 0	$ 0	$ 38,000	38,000	100.00%

Data filtered by EXPENSES, GENERAL FUND, FIRE and exported on February 11, 2021. Created with OpenGov

FY22 FTE Salary

Used for Sect. IV Departmental budgets IBB

Visualization



Sort By Chart of Accounts
- FIRE CHIEF
- CHIEF OF OPS/EO
- DEPUTY CHIEF
- FIRE CAPTAIN
- FIRE LIEUTENANT
- FIREFIGHTER
- INFO SYSTEMS ANALYST - FIRE
- MTR EQUIP REPAIRMAN
- More (6 grouped)

Show More

	FY22 FTE	FY22 Salary
FIRE CHIEF	1	172,558
CHIEF OF OPS/EO	1	156,537
DEPUTY CHIEF	6	697,808
FIRE CAPTAIN	9	896,153
FIRE LIEUTENANT	24	1,939,212
FIREFIGHTER	113	7,699,139
INFO SYSTEMS ANALYST - FIRE	1	97,055
PUB SAF BUSINESS MGR - FIRE	0.500	45,845
MTR EQUIP REPAIRMAN	1	72,479
EXECUTIVE ASSISTANT - FIRE	1	62,473
SR CLERK -PREVENTION	1	56,130
ADMIN/ACCT ASSISTANT - FIRE	1	56,130
FRMN FIRE APP REPAIR	1	64,861
EM COORDINATOR	1	38,000
Total	161.500	12,054,380

Data filtered by FIRE, GENERAL FUND, FIRE and exported on February 12, 2021. Created with OpenGov

PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL FY2019	ESTIMATE FY2020	ACTUAL FY2020	ESTIMATE FY2021	ESTIMATE FY2022
Box Alarms	594	600	514	650	600
Still Alarms	3,860	4,000	3,503	3,700	3,700
Medical Emergencies	3,954	4,200	3,859	4,000	4,000
Total Responses	8,523	8,750	7,980	8,500	8,500
Avg Response Time to Emergency Incidents (minutes) - Calendar Year	<4:00	<4:00	<4:00	<4:00	<4:00
Incidents of building fires	31	30	32	35	35
Large loss fire (over $100,000)	5	4	3	4	4
Medium Loss Fires (under $100,000)	47	50	26	30	30
Multiple Alarm Fires	5	7	3	5	5
Mutual Aid responses	75	75	76	75	75
% of Investigations Started Within Two Hours	100%	100%	100%	100%	100%
Apartment Buildings with 6+ Units Inspected	534	540	541	540	541
26F Smoke/CO Detector Inspections	767	800	630	800	800
Lodging House Inspections	43	49	48	49	49
Common Victualler Inspections	155	160	150	160	120*
Certifcates of occupancy	222	250	188	275	200
All **Other** Inspections (Fire Alarm sprinklers, building plan reviews)	354	400	658	600	600

*** Anticipated loss due to pandemic**

PERFORMANCE / WORKLOAD INDICATORS (con't.)

	ACTUAL FY2019	ESTIMATE FY2020	ACTUAL 2020	ESTIMATE FY2021	ESTIMATE FY2022
% of Apparatus Repairs Initiated within 24 Hrs	100%	100%	100%	100%	100%
% of Apparatus Receiving Preventive Maintenance Twice per Year	100%	100%	100%	100%	100%
% of EMTs Requesting Re-certification Re-Certified	100%	100%	100%	100%	100%
Number of Newly Certified EMTs	5	10	4	10	10
Number of Firefighters Completing: **					
Firefighter I/II certification	10	0	1	10	0
Instructor Certification I	2	24	17	0	3
Instructor Certification II	0	2	0	0	3
Incident Safety Officer	0*	0	0	0	3
Technical Rescue	0*	3	0	0	0
Hazardous Material Techs	0	2	0	0	0
Live Fire Training Techs	0	2	0	0	2
Company Officer I	0	24	0**	24	0
% of Fires Contained to the Building of Origin	100%	95%	100%	95%	95%
Number of Pre-K through Grade 2 classrooms receiving the S.A.F.E. Program	96	96	96	96***	96

**** Certification classes cancelled by DFS in March 2020**
***** SAFE program delivered virtually in FY 2021**

Town of Brookline FY22 Program Budget

Administration and Finance l Town Clerk

Program Description

The Town Clerk is elected to a three-year term by the citizens of the Town. The Department has three subprograms - Public Records, Elections, and Voter Registration - that are mandated by Federal and State statutes and Town By-Laws to record, implement, compile, and preserve the actions and directives of the Town's executive and legislative branches. The principal duties of the office are to maintain factual public records and to administer fair and accurate elections. The Department's responsibilities also include secretarial duties for the Board of Registrars of Voters.

A brief description of each of the subprograms is as follows:

Public Records - Duties include the keeping of the Town Seal and all official records of the Town; maintaining all rules, regulations, and by-laws governing the Town's various boards, departments, commissions, and committees; certifying Town Meeting actions and official documents; performing oaths of office; recording all births, deaths, and marriages and issuing certified copies of same; issuing licenses, permits, certificates, and renewals.

Elections - The Town Clerk is the mandated authority for conducting federal, state, and local elections. The Town Clerk serves as the custodian of the voting machines and is responsible for the supervision and instruction of over 200 election workers in the use of those machines and in laws pertinent to their duties.

The Town Clerk is required to provide certified election results to the Office of the Secretary of State, the Bureau of Accounts, and numerous other governing bodies and agencies.

Voter Registration - The Town Clerk serves as an ex-officio member of the Board of Registrars of Voters. Duties include registering all eligible residents of the Town as voters, producing a street list of the residents of the Town, and certifying signatures of registered voters of the Town on nomination papers of candidates for federal, state, and local office, as well as referendum and initiative petitions.

FY22 Objectives

1. Increase staff Training
2. Purchase Software to maintain the Town's Bylaws
3. Purchase software to maintain election workers information
4. Redistrict precincts based on the 2020 census
5. Implement inventory control system

6. Reorganize the files in the office, vault and other spaces
7. Establish written protocol for various services- Vital records, Dogs, Elections

FY21 Accomplishments

1. Provided a safe environment for in person voting during Covid
2. Successfully implemented mail in voting for the Town Election.
3. Provided all services during Covid except Marriage Licenses

FY22 Budget Line Item Report

Collapse All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 699,368	$ 627,954	$ 490,288	-137,665	-28.08%
(510101) PERMANENT FULL TIME	393,045	399,606	403,340	3,735	0.93%
(510102) PERMANENT PART TIME	2,358	4,500	4,500	0	0.00%
(510201) TEMPORARY FULL TIME	136,258	220,500	80,500	-140,000	-173.91%
(510300) OVERTIME PAY	114,289	5,548	5,548	0	0.00%
(510901) PART TIME TEMPORARY SAL	29,543	2,500	2,500	0	0.00%
(513044) LONGEVITY PAY	2,650	2,650	1,250	-1,400	-112.00%
(514501) EXTRA COMPENSATION	16,540	2,000	2,000	0	0.00%
(515059) A DAY BUYOUT	3,035	0	0	0	0.00%
(515501) CLOTHING-UNIFORM ALLOWANCE	1,650	1,650	1,650	0	0.00%
(OFFSETS) OFFSET	0	-11,000	-11,000	0	0.00%
SERVICES	81,975	110,172	110,172	0	0.00%
(522010) OFFICE EQUIP R & M	166	1,000	1,000	0	0.00%
(523011) COPY EQUIP RENTAL/LEASES	3,427	3,472	3,472	0	0.00%
(523070) MOTOR VEHICLE/EQUIP RNTL	5,933	5,500	5,500	0	0.00%
(524010) PROFESSIONAL/TECH SERVICE	38,277	38,900	38,900	0	0.00%
(524020) LEGAL SERVICES	492	1,500	1,500	0	0.00%
(525002) WIRELESS COMMUNICATIONS	420	1,000	1,000	0	0.00%
(525022) POSTAGE	12,454	25,000	25,000	0	0.00%
(525030) PRINTING SERVICES	9,742	25,300	25,300	0	0.00%
(525060) ADVERTISING SERVICES	5,289	4,000	4,000	0	0.00%
(528080) SUBSCRIPTIONS	5,775	4,500	4,500	0	0.00%
SUPPLIES	16,095	20,250	15,250	-5,000	-32.79%
(531012) OFFICE SUPPLIES	5,926	5,250	5,250	0	0.00%
(533210) MEALS & RECEPTIONS	10,170	15,000	10,000	-5,000	-50.00%
OTHER	175	500	500	0	0.00%
(553010) PROFESSIONAL DUES/MEMBERS	175	500	500	0	0.00%
BUDGETED CAPITAL	950	1,030	1,030	0	0.00%
(5A0017) LEASED COMPUTER EQUIPMENT	950	1,030	1,030	0	0.00%
Total	$ 798,563	$ 759,906	$ 617,240	-142,665	-23.11%

Data filtered by EXPENSES, TOWN CLERK and exported on February 11, 2021. Created with OpenGov

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
REVENUES	$ 105,322	$ 118,200	$ 118,200	0	0.00%
Revenues Less Expenses	$ 105,322	$ 118,200	$ 118,200	0	0.00%

Data filtered by Types, TOWN CLERK and exported on February 11, 2021. Created with OpenGov

Public Records

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 332,378	$ 305,080	$ 306,415	1,335	0.44%
SERVICES	9,703	18,802	18,802	0	0.00%
SUPPLIES	1,474	1,500	1,500	0	0.00%
OTHER	175	500	500	0	0.00%
BUDGETED CAPITAL	627	1,030	1,030	0	0.00%
Total	$ 344,357	$ 326,912	$ 328,247	1,335	0.41%

Data filtered by EXPENSES, TOWN CLERK and exported on February 11, 2021. Created with OpenGov

Elections

Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 252,508	$ 208,640	$ 68,640	-140,000	-203.96%
SERVICES	55,268	53,203	53,203	0	0.00%
SUPPLIES	14,621	17,250	12,250	-5,000	-40.82%
Total	$ 322,398	$ 279,093	$ 134,093	-145,000	-108.13%

Data filtered by EXPENSES, TOWN CLERK and exported on February 11, 2021. Created with OpenGov

Voter Registration

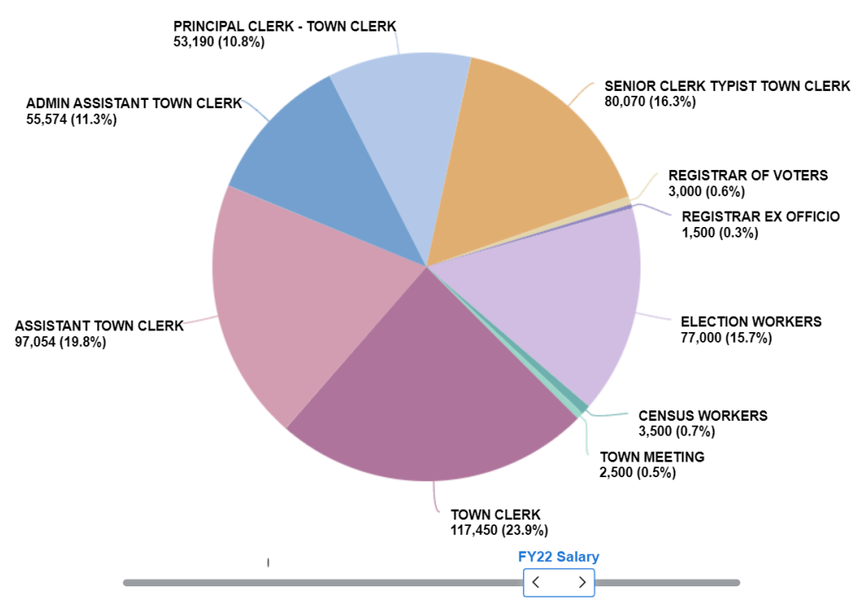
Expand All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 114,482	$ 114,233	$ 115,233	1,000	0.87%
SERVICES	17,004	38,167	38,167	0	0.00%
SUPPLIES	0	1,500	1,500	0	0.00%
BUDGETED CAPITAL	322	0	0	0	0.00%
Total	$ 131,808	$ 153,900	$ 154,900	1,000	0.65%

Data filtered by EXPENSES, TOWN CLERK and exported on February 11, 2021. Created with OpenGov

FY22 FTE Salary

Used for Sect. IV Departmental budgets IBB

Visualization



Sort By Chart of Accounts

- TOWN CLERK
- ASSISTANT TOWN CLERK
- ADMIN ASSISTANT TOWN CLERK
- PRINCIPAL CLERK - TOWN CLERK
- SENIOR CLERK TYPIST TOWN CLERK
- REGISTRAR OF VOTERS
- REGISTRAR EX OFFICIO
- ELECTION WORKERS
- CENSUS WORKERS
- TOWN MEETING

	FY22 FTE	FY22 Salary
TOWN CLERK	1	117,450
ASSISTANT TOWN CLERK	1	97,054
ADMIN ASSISTANT TOWN CLERK	1	55,574
PRINCIPAL CLERK - TOWN CLERK	1	53,190
SENIOR CLERK TYPIST TOWN CLERK	1.500	80,070
REGISTRAR OF VOTERS	0	3,000
REGISTRAR EX OFFICIO	0	1,500
ELECTION WORKERS	0	77,000
CENSUS WORKERS	0	3,500
TOWN MEETING	0	2,500
Total	5.500	490,838

Data filtered by TOWN CLERK, GENERAL FUND, TOWN CLERK and exported on February 11, 2021. Created with OpenGov

TOWN CLERK
PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL FY 2019	ESTIMATE FY 2020	ACTUAL FY2020	ESTIMATE FY 2021	ESTIMATE FY 2022
Performance:					
% of Eligible Registered Voters Participating (average)	32.9%	37.5%	28.5%	33%	20%
% Rate of Return for Census Forms	61.0%	65.0%	55.3%	65%	65%
Hours Election Workers Trained	20	8	20	24	8
Workload:					
Total Elections	3	1	3	3	1
Total Residents as determined by Town Census Respondents	48,819	47,000	46,758	48,000	49,000
Registered Voters	35,605	41,000	38,910	37,500	39,000
Inactive Voters	7,790	6,000	4,712	6,500	5,000
Marriage Intentions	311	315	153	320	250
Dog Licenses	2,437	2,500	1,190	2,550	1,500
Green Dog Licenses	1,642	1,650	1,484	1,650	1,500
Business Certificates	190	190	140	200	175

PERFORMANCE / WORKLOAD INDICATORS (con't.)

	ACTUAL FY 2019	ESTIMATE FY 2020	ACTUAL FY2020	ESTIMATE FY 2021	ESTIMATE FY 2022
Voters Registered	4,480	2,500	3,569	4,500	3,000
Party/Address/All Changes	4,253	1,500	3,435	4300	3,800
Voters Inactivated	4,653	4,000	4,712	4200	4,000
Voters Deleted	5,985	2,500	2,341	4,300	4,500

February 4, 2021

Governor Charles Baker
Massachusetts State House
24 Beacon Street, Room 280
Boston, MA 02133

Dear Governor Baker,

We undersigned officials representing the following Massachusetts cities and towns urge you to sign S.9 into law. By signing this landmark climate bill, you can lead on advancing healthier, safer, and more efficient buildings. We were disappointed by your veto of the *Next Generation Roadmap: An Act Creating a Next Generation Roadmap for the Massachusetts Climate Policy* (Bill S.2995). Advancing building electrification in order to displace the onsite combustion of fossil fuels in Massachusetts, a major source of greenhouse gas emissions and local air pollution, is a concerted focus of our communities. We also wanted to clarify that several points in your January 13th press conference and January 14th veto letter run counter to our collective experience and recent research on building decarbonization.

We cannot meet our climate goals without an ambitious new stretch code for our buildings. Massachusetts has a target of net zero emissions by 2050. We cannot reach this target without eliminating building emissions. The onsite combustion of fossil fuels in commercial and residential buildings is the source of 27% of all greenhouse gas emissions in the Commonwealth[1] – and this calculation does not even include the vast amount of electricity buildings consume. Governor Baker, your own 2050 Decarbonization Roadmap calls for the creation of a net zero building energy code – an even more stringent requirement than the optional stretch code in Bill S.2995 – to reduce this major source of our emissions.

The new legislation outlines a process to ensure the new stretch code is practical, affordable, and enforceable. The Next Generation Roadmap legislation does not define a net zero stretch code. Instead, the bill calls for a year-long code creation process that includes stakeholder feedback and the potential to phase-in building types and uses. It's important to be clear that NAIOP and other interest groups are actively opposing a code that does not yet exist, needs to exist, and will have many opportunities for stakeholder engagement and negotiation during its development. The net zero stretch code will be defined and honed over the next year so that the code meets the needs of Massachusetts' communities. Instead of participating in this process, NAIOP and other interest groups have taken the stance that the new code should not exist at all. This position is not supported by climate science or the economics of net zero buildings and is not warranted.

Net zero buildings are practical investments at little-to-no cost premium. For this reason, a growing number of Massachusetts municipalities including Boston, Cambridge, Amherst, and

[1] "Massachusetts 2050 Decarbonization Roadmap." Massachusetts Executive Office of Energy and Environmental Affairs, 2020. https://www.mass.gov/doc/ma-2050-decarbonization-roadmap/download

Wellesley have established net zero standards for municipal buildings. Direct experience and research show that cost-effective net zero facilities are feasible for nearly every building type, including schools, offices, libraries, and public safety buildings. Additionally, net zero and Passive House certified affordable and market-rate housing projects reduce the cost of ownership for families while improving the resiliency and public health of our communities.

Many studies prove that net zero buildings cost no more – and sometimes less – than conventional buildings while dramatically reducing energy bills and lowering the total cost of ownership. These studies include *The Economics of Zero-Energy Homes* (Rocky Mountain Institute)[2], *Zero Energy Buildings in Massachusetts: Saving Money from the Start* (USGBC MA)[3], and the Boston Department of Neighborhood Development's *Guidebook for Zero Emissions Buildings*[4].

The growing adoption of affordable net zero building design is due to several factors including integrated architectural-engineering design, decreasing costs for technological innovation over time, expanding ranks of trained construction labor, and continuing financial subsidies. Renewable energy for net zero buildings can be procured cost effectively through direct ownership, third party agreements, or public utility services.

By reducing the total monthly cost to own or rent, net zero buildings will result in billions of dollars in net benefits to the Commonwealth. Indeed, the 2030 Clean Energy and Climate Plan points to new and existing building electrification as the most likely, cost-effective, and technologically feasible approach to the emissions reductions required by the plan.

A net zero code will advance and provide direct benefits to affordable housing. Net zero buildings provide three advantages for low-income families: lower cost of living, improved health, and greater resilience. Rising energy costs disproportionately burden low-income Massachusetts families. Disadvantaged families also bear the burden of increased health risks due to climate change. Since net zero homes rely on renewable energy sources rather than fossil fuels, there is no risk of gas leaks and explosions - events that have historically disproportionately impacted environmental justice communities in Massachusetts. Affordable housing built to net zero standards is able to better secure the economic and physical well-being of all Massachusetts residents, especially those who are most vulnerable and least able to adapt to rising heat, severe weather, and coastal flooding. Net zero buildings are inherently more resilient, providing "passive survivability" through their ability to sustain power and thermal comfort during storms and service outages.

A net zero code will expand and strengthen the Massachusetts building industry. Net zero facilities of all types are proliferating, including projects both publicly and privately financed, market-rate and affordable housing. Clearly, this higher performance standard has not, and will

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[2] Petersen, Alisa, Michael Gartman, and Jacob Corvidae. "The Economics of Zero-Energy Homes: Single-Family Insights." Rocky Mountain Institute, 2019. https://rmi.org/insight/economics-of-zero-energy-homes/

[3] "Zero Energy Buildings in Massachusetts: Saving Money from the Start." USGBC Massachusetts, 2019. https://builtenvironmentplus.org/zero-energy-buildings/?mc_cid=dba1c8acbb&mc_eid=b0c2ca829b

[4] "Guidebook for Zero Emissions Buildings." City of Boston Department of Neighborhood Development, 2020. https://www.boston.gov/sites/default/files/file/2020/03/200306_DND%20book_FOR%20WEB.pdf

not, curtail construction. This is because net zero buildings have been demonstrated to yield significant financial returns due to lower costs of borrowing, higher valuation, reduced operating costs, and financial incentives. As a result, cities and towns are implementing net zero and Passive House standards for municipal buildings and affordable housing. The City of Somerville, for example, has seen wide interest in its Master Planned Development Overlay Districts, which offer expanded development rights in exchange for meeting high performing building standards, including LEED Platinum for labs and a net-zero ready standard for all other building types. As the demand for net zero design and construction burgeons, so will the opportunities for the Massachusetts building sector to gain net zero experience and expertise that will fuel the Commonwealth's export economy within our region and beyond.

Massachusetts real estate groups lobbying against the bill routinely stand in the way of climate progress. A January 2021 report from the Climate and Development Lab of the Institute at Brown for Environment and Society found that real estate groups have spent millions in Massachusetts lobbying against climate legislation[5]. The report lists NAIOP and two other real estate groups in the top ten opponents of climate and clean energy bills in Massachusetts – in the company of entities such as Exxon Mobil and the American Petroleum Institute. NAIOP and the Home Builders and Remodelers Association of Massachusetts, both vocal opponents of the new stretch code, are members of the Mass Coalition for Sustainable Energy – a group with deep ties to the fossil fuel industry[6]. We urge you to see through the anti-climate interests and consider the evidence, as presented in this letter, that their concerns are unfounded.

The proposed net zero code is optional and will likely be adopted gradually, as was the original stretch code, now in effect in 286 cities and towns representing nearly 90% of the population of the Commonwealth. Just as the original stretch code did not halt development nor suspend construction, neither will the net zero stretch code have a detrimental impact on the building industry. In fact, since establishing a stretch code more than a decade ago, the Commonwealth has witnessed the biggest building boom in its history. A net zero stretch code will establish a statewide standard, allowing communities a choice among three code alternatives – base, stretch, or net zero stretch. Without the net zero stretch code option, municipalities will have to continue the burdensome process of customizing zoning bylaws in order to meet local and state emissions reduction goals, resulting in even greater discrepancy in construction standards across the Commonwealth.

We urge you to support a net zero stretch code, acknowledging the code's crucial role in accelerating the reduction of emissions as necessary to meet the state's climate goals. We need your steadfast leadership. We believe, as your own veto letter stated, that "the Commonwealth needs bold and urgent action on climate change." We are optimistic the legislature will soon return the bill to your desk. Please follow the will of the people of Massachusetts, take the action recommended by your own 2050 Decarbonization Roadmap, and sign the bill into law.

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[5] Hall, Galen, Trevor Culhane and J. Timmons Roberts. "Who's Delaying Climate Action in Massachusetts? Twelve Findings." Policy Briefing, The Climate and Development Lab, Institute at Brown for Environment and Society, 2021. https://www.cssn.org/new-cssn-report-whos-delaying-climate-action-in-massachusetts-twelve-findings/

[6] Vardi, Itai. "A New Massachusetts 'Sustainable Energy' Coalition Is Really A Front For Gas Interests." Huffington Post. 2018. https://www.huffpost.com/entry/natural-gas-coalition-massachusetts_n_5a8f2563e4b0528232aa904e

Sincerely,

Acton

Jim Snyder-Grant, Board of Selectmen

Amherst

Darcy DuMont, Town Councilor

Cathy Schoen, Town Councilor

Stephanie Ciccarello, Sustainability Coordinator

Andra Rose, Energy and Climate Action Committee, Vice-Chair

Andover

Daniel A. Koh, Select Board Vice-Chair

Maria Bartlett, Andover Green Advisory Board Member

Anil Navkal, Andover Green Advisory Board Member

Harry Voorhees, Andover Green Advisory Board Member

Arlington

Adam Chapdelaine, Town Manager

Joseph A. Curro, Jr., Select Board Vice-Chair

Lenard T. Diggins, Select Board Member

Patrick M. Hanlon, Town Meeting Member

Ashland

Yolanda Greaves, Select Board Chair

Joseph Magnani Jr., Select Board Vice-Chair

Brandi E. Kinsman, Select Board Member

Steven Mitchell, Select Board Member

Robert Scherer, Select Board Member

Frank Nakashian, Sustainability Coordinator

Margy Gassel, Sustainability Committee Member

Charles W. Lidz Ph.D., Sustainability Committee Member

Matthew Marshquist, Sustainability Committee Member

Mark Moniz, Sustainability Committee Member

Kevin Mullins, Sustainability Committee Clerk

Ashwin Ratanchandani, Sustainability Committee Chair

Belmont

Marty Bitner, Town Meeting Member and Belmont Energy Committee Co-Chair

James Booth, Belmont Energy Committee Co-Chair

Brian Kopperl, Belmont Energy Committee Member

Phil Thayer, Town Meeting Member and Sustainable Belmont Chair

Becket

Alvin Blake, Energy Committee Chair

Beverly

Julie Flowers, City Councilor-At-Large

Boston

Ricardo Arroyo, City Councilor

Kenzie Bok, City Councilor

Liz Breadon, City Councilor

Andrea Campbell, City Councilor

Lydia Edwards, City Councilor

Annissa Essaibi-George, City Councilor

Kim Janey, City Councilor

Julia Mejia, City Councilor

Matt O'Malley, City Councilor

Michelle Wu, City Councilor

Boxford

Barbara Jessel, Select Board Member

Patrick G. Canonica, Sustainability Committee Member

Holly Langer, Sustainability Committee Member

Gary Martin, Sustainability Committee Chair

Brookline

Raul Fernandez, Select Board Member

Bernard Greene, Select Board Chair

Heather Hamilton, Select Board Vice-Chair

Nancy Heller, Select Board Member

John VanScoyoc, Select Board Member

Lisa Cunningham, Town Meeting Member

Jesse Gray, Town Meeting Member

Werner Lohe, Town Meeting Member, Select Board Climate Action Committee Co-Chair

Paul Saner, Town Meeting Member, Economic Development Advisory Board Co-Chair

Kathleen Scanlon, Town Meeting Member, Select Board Climate Action Committee

Cambridge

Mayor Sumbul Siddiqui

Vice-Mayor Alanna Mallon

Dennis Carlone, City Councillor

Marc McGovern, City Councillor

Patricia Nolan, City Councillor

Jivan Sobrinho-Wheeler, City Councillor

Quinton Y. Zondervan, City Councillor

Chelsea

Damali Vidot, City Councilor

Concord

Kate Hanley, Director of Sustainability

Conway

Bob Armstrong, Select Board Chair

Cummington

Kathryn Eiseman, Planning Board Chair

Dedham

Emily Walton, Sustainability Advisory Committee

Egremont

Lucinda Fenn-Vermeulen, Select Board Member

Emily Eyre, Egremont Green Committee Co-Chair

Robin Goldberg, Egremont Green Committee Member

Juliette Haas, Sustainability Coordinator, Egremont Green Committee Member

Pat Konecky, Egremont Green Committee Co-Chair

Marjorie Wexler, Egremont Green Committee Member

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Gerly Adrien, City Councilor At-Large

Stephanie Martins, City Councilor

Framingham

Dr. Yvonne M. Spicer, Mayor

Margareth Shepard, City Councilor

Shawn Luz, Sustainability Coordinator

Gill

Vicky Jenkins, Gill Energy Commission Chair

Groton

Becky Pine, Select Board Clerk

Ipswich

Kerry Mackin, Select Board Member

Lancaster

David Spanagel, Library Trustee, Member of Nashoba Valley Climate Coalition

Lexington

Joseph Pato, Select Board Member

Mark Sandeen, Select Board Member

Cynthia Arens, Town Meeting Member, Member of Sustainable Lexington Committee

Lin Jensen, Town Meeting Member

Jeanne Krieger, Town Meeting Member

Tina McBride, Town Meeting Member

Ricki Pappo, Town Meeting Member

Lincoln

Jennifer Glass, Select Board Member

Sue Klem, Lincoln Green Energy Committee Member

Paul Shorb, Lincoln Green Energy Committee Chair

Malden

Debbie DeMaria, City Councillor at Large

Amanda Linehan, City Councillor

Ryan O'Malley, City Councillor

Stephen Winslow, City Councillor at Large

Marlborough

Samantha Perlman, City Councilor

Medfield

Fred Davis, Medfield Energy Committee Chair

Medford

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Zac Bears, City Councilor

Alicia Hunt, Acting Director of Community Development, Director of Energy and Environment

Nicole Morell, City Councilor

Melrose

Mayor Paul Brodeur

Martha S. Grover, Sustainability Manager, Office of Planning and Community Development

Montague

Timothy N. Van Egmond, Energy Committee

Natick

Jillian Wilson-Martin, Sustainability Coordinator

David Mogolov, Natick Sustainability Committee

Leo Ryan, Chair, Natick Sustainability Committee

Rachel Serotta, Natick Sustainability Committee

Alfredo Vargas, Natick Sustainability Committee

Newton

Mayor Ruthanne Fuller

Susan Albright, President and City Councilor At-Large

Alicia Bowman, City Councilor

Deborah J. Crossley, City Councilor

Andreae Downs, City Councilor

Emily Norton, City Councilor

Alison M. Leary, City Councilor

Ann Berwick, Co-Director of Sustainability

Jonathan Kantar, Newton Citizens' Commission on Energy Member

Northampton

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Alex Jarrett, City Councilor

Rachel Maiore, City Councilor

Wayne Feiden, Director of Planning & Sustainability

Chris Mason, Northampton Energy and Sustainability Officer, Montague Energy Committee Chair

Adin Maynard, Northampton Energy and Sustainability Commission Member

Ashley Muspratt, Northampton Energy and Sustainability Commission Member

Benjamin Weil, Northampton Sustainability and Energy Commission Member

Pittsfield

Patrick T. Kavey, City Councilor

Dina G. Lampiasi, City Councilor

Salem

Mayor Kimberley Driscoll

Stephen Dibble, City Councilor

Patricia Morsillo, City Councilor

Megan Riccardi, City Councilor

Douglas Bowker, Sustainability, Energy, and Resiliency Committee Member

Saugus

F. Ann Devlin, Town Meeting Member

Sharon

Hanna Switlekowski, Select Board Member

Sherborn

Dorothea Von Herder, Sustainability Coordinator

Michael Lesser, Sherborn Energy Committee Chair

Shutesbury

Gail Fleischaker, Shutesbury Communications Committee Chair

Somerville

Mayor Joseph Curtatone

Katjana Ballantyne, City Councilor, Open Space, Environments, and Energy Committee Chair

Ben Ewen-Campen, City Councilor

Will Mbah, City Councilor

Kristen Strezo, City Councilor At-Large

Springfield

Marcus Williams, President of the Springfield City Council

Truro

Bob Higgins-Steele, Climate Action Committee Member, Energy Committee Member

James Nash, Energy Committee Member

Wakefield

Jennifer Kallay, Commissioner, Wakefield Municipal Gas & Light Development Board

Julie Smith-Galvin, Wakefield Town Councilor, Vice-Chair

Waltham

Jonathan Paz, City Councilor

Warwick

Jack Cadwell, Buildings & Energy Committee Member

Dan Dibble, Buildings & Energy Committee Member

Mary Humphries, Buildings & Energy Committee Member

Janice Kurkoski, Buildings & Energy Committee Chair

Steve Kurkoski, Buildings & Energy Committee Member

Washington

James A. Huebner, Select Board Chair

Watertown

Caroline Bays, Councilor At-Large

Anthony Donato, Councilor At-Large

John Gannon, Councilor At-Large

Tony Palomba, Councilor At-Large

Wayland

Anne Harris, Wayland Energy and Climate Committee Co-Chair

Wellesley

Lise Olney, Select Board Member

Fred Bunger, Town Meeting Member, Sustainable Energy Committee Member

Martha Collins, Sustainable Energy Committee Member

Mary Gard, Town Meeting Member, Sustainable Wellesley Member

Regina LaRocque, MD MPH, Town Meeting Member

Marybeth Martello, Sustainable Energy Director

Susan Morris, Sustainable Energy Committee Vice-Chair

Laura Olton, Sustainable Energy Committee Chair

Weston

Dr. Anna Katharina Wilkins, Sustainability Committee Chair

Weymouth

Becky Haugh, Councilor-at-Large

Whately

Joyce Palmer-Fortune, Select Board Member

Williamstown

Anne O'Connor, Select Board Member

Windsor

Stuart Besnoff, Green Committee Chair

Winchester

Michael Bettencourt, Select Board Member

Prassede Calabi, PhD, Town Meeting Member

Alan Field, Town Meeting Member, Climate Action Advisory Committee Member

Dave Judelson, Town Meeting Member, Sustainable Winchester Member

Susan McPhee, Energy Conservation Coordinator, Town Meeting Member

Winthrop

Tracey Honan, Councilor At-Large

Worcester

Mayor Joseph M. Petty

Edward M. Augustus, Jr., City Manager

Khrystian King, City Councilor At-Large

Sarai Rivera, City Councilor

Sean M. Rose, City Councilor

Gary Rosen, City Councilor At-Large

John W. Odell, Energy and Assets Director

Luba Zhaurova, Sustainability Project Manager

The Brookline Select Board Committee on Policing Reforms

Final Report

Final Report Adopted on X, XX, 2021

FOREWORD

This report of the Select Board's Committee on Policing Reforms (the "Reforms Committee") is written for the residents of the Town of Brookline, to describe in some detail what our ***very good, but not perfect*** Brookline Police Department ("BPD") does for the community beyond being *Cops on the Beat* and to propose important reforms that will result in a more perfect police department and community. This report is only the most recent iteration of the Town of Brookline's ongoing efforts to improve policing to better serve the community[1] and, if adopted, the recommendations in this report will not only result in immediate benefits but will create changes to the structure of policing in Brookline that will have long lasting benefits.

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I.

Several factors converged to produce the Reforms Committee and a parallel Task Force to Reimagine Policing (the "Task Force"). These factors include the reports and cell phone images of the killing of Black men and women in police custody in communities across the country and the outrage and trauma those deaths cause to people of color and others, particularly youth, in Brookline. The report of the Reform Committee is not written to rehash those incidents or to delve into the sometimes sordid history of policing in America. The purpose of this report is improving the BPD.

Police at all times and in all societies are a tool of the community in which they work to enforce the laws, including constitutional provisions, whether just or unjust, and maintain public order so that the community can function as the community and its political leadership wants it to function. Where the social order is oppressive, policing is oppressive. Police have been used in America for many unjust purposes: to enforce the Fugitive Slave Act, to control and bust unions, to intimidate and commit violence against civil rights or anti-war demonstrators, to harass and round-up undocumented immigrants, to harass and loot Black and poor communities as an easy source of municipal revenue, to enforce political correctness and racial supremacy, and to use the "paddy wagon" to control and lockup ethnic communities uneasily acculturating to America. Across the globe it is often worse.

[1] Earlier reports include the 1987 "Report of the Selectmen's Subcommittee on Police and Community Relations" (Jeffrey Allen and Martin Rosenthal), the 1998 Community Relations Study (prepared by the BPD), and the 2009 Citizen Complaint Review Committee. The 1987 report discusses at length the BPD-community relationship, including public input on BPD policies. The 1987 and 1998 reports are included in Appendix A.

Police also fight crime. Crime in communities of color and poor White communities especially is traumatizing and debilitating. It is often in those vulnerable communities that policing is most problematic. But policing also has problems in communities like Brookline. Brookline has, however, worked hard as a community to reduce those problems. This is a reflection of the generally socially progressive orientation of the residents of Brookline who demand good policing that emphasizes fairness and equity. They acknowledge, appreciate, and support the overall work and professionalism of the Brookline Police Department and rightfully want continuing diligence and reforms.

II.
This report looks at policing in Brookline through many lenses.

First, the traditional public safety role of policing and the many ways in which traditional policing can create friction and ill-will in the people who come in contact with the police. In Brookline, this is often when people encounter the police during traffic stops, particularly when the driver of the vehicle is a person of color traveling through Brookline from other areas. Subcommittees of the Reform Committee looked at the traditional public safety function in terms of the disparities in the treatment of people of color and others that may be based on implicit or explicit racial, income, or other biases or based on non-bias causes. Recommendations of the Accountability, Civil Rights, Militarization, and Mass Events, and the Personnel Subcommittees have recommendations that directly or indirectly are intended to mitigate biases and other causes of disparate treatment.

We are also mindful of the need for prudence in the use of Town resources and of recent proposals in Town Meeting to make major cuts to the BPD budget. We have not been able to identify any major cuts that would be prudent with respect to the needs of public safety and the goals of the Town to increase diversity in the BPD. Proposed cuts would have to come from the largest component of the BPD budget: personnel. This would have a devastating impact on racial and gender diversity that the BPD has been struggling to increase in recent years, overcoming the many obstacles placed in their way by Civil Service rules and preferences. These obstacles are discussed in the Personnel and Governance Subcommittee report. Such cuts will reduce the availability of officers on patrol 24 hours of every day, which will reduce the ability to provide many services that don’t arise only during business hours such as mental health or substance use crises. These 24/7 services are discussed in the Mental Health and Substance Use Disorders Subcommittee.

In addition, as explained in the Personnel and Governance Subcommittee report, we also have a serious retention problem that may require significant increases to the BPD budget to address. In general, although comparisons are not exact, Brookline's pay scale is seen as lagging behind other departments such as Newton, Boston, the State Police, and others. Not only do we lose officers we've trained and who have become knowledgeable about Brookline and its ethos, but many of them are more diverse, in ethnicity and gender. The Personnel report also raises the issue of Civil Service and how it challenges BPD's crucial and longstanding efforts to recruit and promote diversity.

Second is the non-traditional roles that the BPD and police elsewhere have been given. These non-traditional roles result from the legitimate intersection of policing and other Town functions such as the schools, housing, and human services. They also result from the failures of federal, state, and local governments to adequately fund the social safety net and other services that people need to be able to be happy law-abiding and contributing members of society. The Reform Committee acknowledges that there will be no silver bullet that can quickly correct the failures of the broader society and provide the social service supports that can reduce the role that the BPD must play as 24 hour, 7 days a week guardians of public safety and welfare. But, the investments the Town has made and will continue to make in intensive and extensive training of BPD officers—and those officers' enthusiastic response to that training—is the best protection against the horror stories seen on 24 hour cable channels that have caused some to want to remove police involvement from these difficult and potentially dangerous calls.

Third, is the position of the BPD in the chain of command of Town governance from the voters to Town Meeting and the Select Board (the Town's police commissioners), and finally to the BPD. This report recognizes that there are weak links in that chain that the Reforms Committee's recommendations must repair. That repairing will enable Town Meeting and the voters to have a clearer understanding of policing and the steps that are required to create the more perfect police department that we all desire. That repair will also enable the Select Board, with all the work placed on its volunteer shoulders, to exercise fully its police commissioner role in oversight of the BPD.

III.

The task of the Reforms Committee has been to identify and propose (i) improvements in the internal operations of the BPD, (ii) improvements to the surrounding social service and other Town environments in which the BPD operates, (iii) structures that will help the Select Board as the Town's police commissioners to more effectively oversee the BPD and enable it to be effective in their traditional and non-traditional roles, and (iv)

educational initiatives that will help Town residents recognize what the BPD does in the community and its value to all residents and visitors. Implementing the recommendations of the Reforms Committee in this report will go a long way towards meeting those goals.

There are numerous issues needing further consideration, some of which will be taken up by the short term continuation of the work of the Committee and others that can be referred to the proposed Police Commissioners Advisory Committee.

INTRODUCTION

This Committee and a parallel Task Force to Reimagine Policing grew out of the period of intense ferment in the country around recurring police misconduct against people of color in cities across the nation.[2] This ferment reached a crescendo on May 26, 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. A result has been many local, state, and federal legislative 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 (the "Police Reform Law")

In July 2020, the Brookline Select Board established two committees to study and make recommendations on policing. They were the **Select Board's Task Force to Reimagine Policing (the "Task Force")**, which is chaired by Select Board member Raul Fernandez, and the **Select Board's Committee on Policing Reforms (the "Reforms Committee" or the "Committee")**, which is chaired by Select Board Chair Bernard Greene.

The Reforms Committee held its organizational meeting on August 19, 2020. The Charge for the Committee, which is included in Appendix A, stated the context for its establishment as follows:

> *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.*

[2] Such severe misconduct does not represent the vast majority of police encounters with people of color, which occur without incident. Nonetheless, these exceptional incidents demonstrate the extraordinary importance of good policing and often point to areas where good departments, such as the BPD, can be made better. The BPD, unlike departments in the surrounding communities of Boston, Cambridge, and Newton, has had almost no high-profile "false arrest" or "excessive force" allegations, and none that resulted in serious injuries.

> *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 Reforms*** *. . . 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 prejudge 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.*

The first initiative of the Reform Committee was to formulate a chokehold ban for presentation to the Select Board.[3] The Committee discussed the ban at its September meetings and received input from then Police Chief Andrew Lipson and the Brookline police union president, Michael Keaveney, who is a non-voting member of the Committee. The chokehold ban was voted and approved by the Reforms Committee at its meeting on September 16, 2020 and the Select Board held a public hearing and voted approval at its meeting on September 23, 2020. The ban was issued as a Special Order (No. 2020-18), dated October 8, 2020, of the BPD. Special Order No. 2020-18 is included in Appendix A.

Subsequent to the adoption of the chokehold ban, Governor Baker signed into law the Police Reform Law, which included a chokehold ban that allowed no extenuating circumstances.[4] The Brookline ban contemplated circumstances where the officer or another person is at risk of imminent death or serious bodily injury. The Police Reform

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[3] The chokehold ban originated with appeals to the Select Board by Brookline residents in the spring of 2020 to establish a robust "use of force" policy for the BPD. Frequently cited as an example of the minimum that residents thought a use of force policy should include was the "#eightcantwait" proposals of the Campaign Zero project. The Chair of the Select Board reviewed the #eightcantwait policy proposals, reviewed the use of force policy of the BPD (General Order No.30.3), and discussed various related issues with the police chief. The Chair determined that the Brookline policy far exceeded the minimal demands of the #eightcantwait proposal, with one exception. The BPD policy did not explicitly ban chokeholds. Then Chief Andrew Lipson noted that in Massachusetts police are not trained to use chokeholds or related techniques.

[4] "A law enforcement officer shall not use a chokehold." *See* Section 14(c) of new Chapter 6E, inserted into the General laws by Section 30 of the Police Reform Law.

Law provision on chokeholds is effective July 1, 2021 at which time the Brookline ban will be superseded.

On September 30, 2020, the Reforms Committee and the Task Force held a joint hearing to gather ideas that would inform our work going forward. Many comments were received from all perspectives on policing reform or reimagining. The transcript is found in the Appendix A.

With the enactment of the Police Reform Law the landscape of police reform shifted on December 31, 2020. Portions of the Police Reform Law will take effect in normal course after ninety days; and some portions will take effect on July 1, September 1 and December 1, 2021. Some provisions of the 2020 Act will require promulgation of rules and regulations in the Code of Massachusetts Regulations (CMR) by various state agencies, whether new or existing. The Police Reform Law also authorizes studies and commissions to consider additional legislation in the future. The Subcommittees incorporated relevant portions of the Police Reform Law into their reports, to the extent possible.

All of the materials, including minutes and meeting packets, resulting from meetings of the Committee and its Subcommittees can be found on the Reforms Committee's webpage at https://brooklinema.gov/1804/Select-Boards-Committee-on-Policing-Refo. The Webpage also includes multiple fact sheets on aspects of policing in Brookline that are often mis-understood and video presentations by BPD officers explaining their work and their feelings and thoughts about that work.

The Reforms Committee organized itself into five Subcommittees.

Accountability. Michael Zoorob (Chair), Ronald Wilkinson, Marty Rosenthal, Raj Dhanda, Jonathan Mande (left the Committee for family reasons in January of 2021), Robert Sable, Dwaign Tyndal, and Bernard Greene.

Civil Rights, Militarization, and Mass Events. Paul Yee (Chair), Casey Hatchett, and Bernard Greene.

Community Outreach, Youth, and Non-Traditional Roles. Casey Hatchett (Chair), Michael Zoorob, Bernard Greene, Janice Kahn (non-voting consulting member), and Lt. Jenn Paster, Sgt. Chris Malin, and BPD social worker Anabel Lane (non-member consulting experts).

Mental Health and Substance Misuse. Elizabeth Childs (Chair), Casey Hatchett, Bernard Greene, Janice Kahn (non-voting consulting member), June Binney (resigned as member of Committee but continued working with the Committee as a non-voting

member and expert consultant), and Richard Sheola, Lt. Jenn Paster, Sgt. Chris Malin, and BPD social worker Annabel Lane (non-member consulting experts).

Personnel. Elizabeth Childs (Chair), Paul Yee, and Bernard Greene. Assistant Town Counsel Michael Downey and Director of Human Resources Department Ann Braga (non-member consulting experts).

In addition, throughout the time of the Committee's work, former Brookline Police Chief Daniel O'Leary provided invaluable expert consulting services to the Committee and all of the subcommittees and to the Task Force. Other Town staff that provided invaluable assistance to the Committee are mentioned in the Committee reports and in the Acknowledgements.

Each Subcommittee addressed specific issues with the goal of improving the delivery of services provided by the BPD in their 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.

One of the most significant proposals of a Subcommittee is the PCAC, which will strengthen the Select Board's role as police commissioners and will be a community forum to engage with the Select Board on policing issues. The PCAC along with a new Diversity Liaison will increase the community's knowledge of the Select Board's role as police commissioners, which is a Brookline specific and powerful form of civilian review of police.

The work of the Reform Committee will not be over with the submission of this Report. The Committee will continue to complete important tasks that it has undertaken, as described in the reports of the Subcommittees. It will also be guided by the words of the 1987 "Report of the Selectmen's Subcommittee on Police and Community Relations:"

> *It must be emphasized that this report should be viewed as the beginning, not the end, of a process of Selectmen involvement in these issues. Not only do some of our recommendations require further study, but all of them require ongoing attention and review -- as well as implementation measures and institutions. Moreover, the broad, underlying issues require constant and perpetual vigilance.*

EXECUTIVE SUMMARY OF SUBCOMMITTEES' RECOMMENDATIONS

UNIVERSAL RECOMMENDATIONS

A key understanding that has emerged from Subcommittee discussions is that the concept of "public safety" in Brookline may need to be broadened from Fire and Police to include Health and Human Services. The current pandemic has brought this interconnection to the forefront. A specific near-term recommendation is to consider reorganizing the Town's budget book, The Financial Plan. The Financial Plan would include Health and Human Services organizationally under Public Safety, which other communities, such as Somerville, have already done. More than an organizational change in a book, however, this would be a philosophical shift that represents a rethinking about the nature of public safety itself.

The Accountability Subcommittee's recommendation of a Police Commissioner Advisory Committee resonates with the work of multiple Subcommittees who will not need to repeat the Accountability Subcommittee's recommendation that the PCAC be implemented by the Select Board. To enable the PCAC to be up and running when major provisions of the Police Reform Law become effective on July 1, 2021, the Subcommittees urge the Select Board to establish the PCAC quickly so that it can begin its work before that time.

Subcommittees are also making recommendations that will have budgetary impacts on the Department of Public Health and Human Services and the Office of Diversity, Inclusion, and Community Relations. The Reform Committee believes that these recommendations can be incorporated into these departments in a cost effective manner by adjustments to the internal structures of the departments and being provided with additional staff to perform the tasks requested.

The Reform Committee requests that the Town Administrator prepare preliminary cost estimates for the additional services that are proposed to be provided through those departments.

ACCOUNTABILITY.

The goal of the Accountability Subcommittee is to identify reforms that would promote equitable policing and fairly prevent and correct misconduct. To accomplish that goal, we examined the civilian complaint policy and devised major improvements to the policy and the procedures by which complaints are processed from the BPD's Office of Professional Responsibility to the Select Board, serving as a civilian review board.

The Subcommittee is also submitting a major enhancement to the Select Board's ability to effectively function as Police Commissioners and additional mechanisms by which members of the public can communicate their experiences with the BPD to the Select Board and to the BPD.

Policing reforms which promote accountability fall into four categories: Policies and procedures which ensure that "1) police officers obey the law and... treat citizens in a lawful, respectful, and unbiased manner; 2) incidents of alleged misconduct are properly reported and then investigated thoroughly and fairly; 3) proven incidents of misconduct result in appropriate discipline; and 4) police departments take proactive steps to prevent officer misconduct in the future."[5]

With these areas of improvement in mind, the Subcommittee reached consensus on the following recommendations to the Select Board and to the BPD, which are elaborated in more detail in the Subcommittee's report.

1. That the Select Board institute a standing committee—what we have called the Police Commissioners Advisory Committee ("PCAC")—to strengthen the civilian oversight of the Police Department provided by the Select Board. As outlined in the PCAC charge included in the Appendix, the PCAC would be tasked with the following responsibilities: reviewing policing practices and policies on an ongoing basis; serving as a liaison with the public on police issues; and providing an additional layer of oversight of complaint investigations.

2. That the Select Board recommend to the Diversity Office that they create a Liaison position that would be available to assist complainants in filing complaints with the BPD and would also be able to handle some of the many responsibilities placed on the Diversity Office by various Town Meetings.

3. That the Select Board permit the Reforms Committee to continue its work to revise and update the complaint procedures by, among other changes: (a) providing additional intake options for complaints against police employees; allowing complaints to be filed online (this was a technology based change to the current Complaint procedures that was completed during the Committee's work); modifying data reporting requirements to increase transparency by providing to the public additional information about complaints, including discipline; strengthening and formalizing the mediation processes for less serious

[5] Walker, S., 2012. Institutionalizing police accountability reforms: The problem of making police reforms endure. *St. Louis U. Pub. L. Rev.*, *32*, p.59.

complaints; and making other changes to increase the accessibility and readability of the complaints process.

4. That the Select Board, Police Department, Town IT, and Diversity Office approve a new survey procedure (akin to a customer satisfaction survey) for members of the public to provide feedback on civilian encounters. This would provide a more general way to obtain feedback from the public about the performance of the Police Department than relying solely on complaints and commendations, which is the current practice. We have provided an online survey form and associated procedures to pilot this suggestion; going forward, the Police Department might consider randomly sampling people who have encountered the Police Department and surveying them about their experiences.

5. That the PCAC work with the Police Department to implement new policies and procedures required by the Police Reform Law, including the requirement that "A law enforcement agency . . . develop and implement a policy and procedure for law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation."

6. That the Police Department's stated mission and goals include more explicit commitments to promoting equitable services by combatting profiling and other forms of disparate treatment and to reflect "the right to bias-free professional policing" contained in the Police Reform Law.

7. That the Select Board not agree to or authorize any police contract provision that would limit the ability of the Town to impose discipline on officers for misconduct or that would impose onerous and non-transparent procedures before discipline could be imposed.

CIVIL RIGHTS, MILITARIZATION, AND MASS EVENTS

The goals of the Subcommittee include: (1) Analyzing racial disparities in policing, both perceived and real; identifying the extent to which disparities exist in various aspects of policing in Brookline; reviewing the extent to which civilian racial profiling occurs (e.g., suspicious person calls); developing ways to reduce or eliminate such disparities and the underlying biases; (2) Reviewing indicia of militarization of BPD equipment and tactics[6]; and (3) reviewing policies and practices used in policing of mass events.

[6] The Subcommittee received and reviewed the Military Equipment Report of the Surveillance Technology and Military Equipment Study Committee and presented that committee with its comments. The Subcommittee's comments cited areas of the report that should be updated to incorporate provisions of

The members of the Subcommittee are Paul Yee, Chair, Bernard Greene, Casey Hatchett, and Martin Rosenthal. Also participating in the Subcommittee's work is retired Brookline Police Chief Daniel O'Leary who is a non-voting expert consultant.

The Subcommittee met and analyzed extensive public information available on the Town of Brookline Police Department website (https://www.brooklinepolice.com), which contains information such as Annual Reports with crime statistics and analysis, the Manual with the Policies and Procedures, Rules and Regulations, Year End Racial Disparities Report, and Year End Race and Gender Reports. The subcommittee also received additional information and data from the BPD through Retired Chief O'Leary and Sgt. Casey Hatchett and other members of the Select Board's Committee on Policing Reforms that were not available on the website or that had to be manually created. The Subcommittee also reviewed presentations and data provided to the meetings of the Task Force to Reimagine Policing. Some of the key information and data which the subcommittee looked at and relied upon are attached at Appendix C.

The Subcommittee, and indeed the full Reforms Committee, takes very seriously the issue of profiling, which is at odds with our community's values, and which the BPD has taken seriously now for four decades. Unfortunately, this is a problem that is endemic in American communities. While we may never be able to entirely eliminate unconscious bias and other biases, we need to keep striving to reduce its impact in the BPD.

Recommendations:

1. That the Select Board task the PCAC to prioritize the following tasks:
    a. To review and report to the Select Board the results of its analysis of apparent disparities in traffic stops, field interrogations, and arrests (i) between nonresident and resident traffic stops, (ii) between White nonresidents and Black nonresidents, (iii) between Black residents and White residents, and (iv) in the interactions of officers after traffic stops between White nonresidents and Black nonresidents.
    b. To integrate disparities data into specific policy reforms that can be recommended to the Select Board, including improving supervision, accountability, incentives, and disincentives.
    c. To review and revise or update the BPD Manual to address the issues listed in the body of the Subcommittee's report, and to ensure that all General Orders are in compliance with any changes or recommendations set forth in the Police Reform Act.

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the subsequently enacted Police Reform Law. The Military Equipment Report as presented to the Subcommittee prior to the Police Reform Law is included in Appendix C.

   d. To develop a policy that can be recommended to the Select Board to guide the discretion of the BPD's police prosecutor.
   e. To examine the procedures used by supervisory officers to review the activity of officers under their command relating to racial or other disparities in field interviews, moving violations, and arrests.
   f. To examine the procedures governing the supervising officer's follow up for officers whose activities may involve disparate treatment.
   g. To examine suspicious person/activity calls to identify civilian biases and recommend techniques to the BPD to properly handle such calls.
2. That the Select Board direct the BPD to review and implement as appropriate the following:
   a. To enter additional traffic citation data in its reports on vehicle stops to include time of stop, address of the traffic stop location, and whether the stopped person was a resident or nonresident.
   b. To work with the PCAC and the Town's Community Engagement Strategist to present its extensive published racial/gender disparities data to the public to (i) explain the data and how it's used to identify and reduce racial disparities and (ii) provide factual transparent information to promote trust between the BPD and the community.
   c. To train dispatchers to ask for and include additional information in the CAD record of "suspicious person" or "suspicious activity" calls, such as specific details of what is suspicious about a person, vehicle, or activity and to ascertain and include, to the extent possible, race, gender, ethnicity and other specifics about the subject of their call.
   d. To require Patrol Supervisors to continue to monitor suspicious person or suspicious activity calls and request additional information from dispatch when appropriate to determine if there is a legitimate concern that has been articulated as to the suspicious activity and/or if there may be bias on behalf of the caller so that the officer responding to the call has necessary information to respond properly.
   e. That the BPD train officers to include specific details in their call back as to the findings of the suspicious activity call so that the BPD can include such calls in its racial disparities data base.
   f. That the PCAC and the BPD include in community engagement sessions with residents educational reminders regarding racial or other biases that may be reasons for inappropriately labeling a person or activity as suspicious due to a person's race or other attribute.
   g. That the BPD include in its training of dispatchers additional information for inclusion in the CAD record for suspicious activity by callers so that

the BPD can monitor such calls and provide officers with sufficient information to appropriately respond to the call.

h. That the BPD develop a tracking system that accounts for all search warrants obtained from a court.
i. That the BPD develop a system to track the times and incident types when providing assistance to another policing agency when there is no formal agreement pursuant to M.G.L. c. 41 §99.

3. That the BPD draft a policy for Select Board issuance that requires any outside law enforcement official assisting the BPD to conspicuously display at all times a clearly identifiable badge, patch or Department name on the outermost part of any clothing, uniform, or gear/equipment to enable any person to ascertain the identity of the official. That the following items be included in the budget when budget conditions allow:
    a. That the Town budget include additional analytical staff to focus on traffic analysis, because of the volume of traffic stops, traffic crashes and traffic enforcement requests from residents.
    b. To consider the funding of an accurate benchmark study or studies to determine the extent of disparate treatment and to measure the effectiveness of any changes in policing over time.
4. That the PCAC work with the BPD to examine provisions in the police manual concerning officer discretion and, if warranted, recommend to the Select Board policy changes that list specific factors officers should consider in deciding whether to use their discretion, for example to issue a citation or give a written or verbal warning or the decision to make an arrest.

COMMUNITY OUTREACH, YOUTH, AND NON-TRADITIONAL ROLES.

Goals of the Subcommittee are to (1) Review, critique, and improve police functions of outreach to communities, especially youth. (2) Review, critique, and improve specific non-traditional services provided by the BPD, including School Resource Officers, Walk and Talk officers in Brookline Housing Authority communities, Community Crisis Intervention and related services, autism spectrum disorder supports, protection of houses of worship and other vulnerable institutions and persons.

The Subcommittee identified the following areas of work within the Brookline Police Department as its primary focus: the Walk and Talk Unit, School Resource Officers, Homelessness, Crisis Intervention, Emergency Management and Domestic Violence.

The following are the programmatic recommendations for each of the areas based on what the Subcommittee learned and what it heard:

Recommendations:

Homelessness

1. That Town departments support the development of the nascent Task Force on Homelessness, which consists of representatives of the Brookline Police Department, Department of Public Health and Human Services, Department of Public Works, the Brookline Community Mental Health Center, Veteran's Affairs, the Brookline Library and a Town constable, which has already had an organizing meeting.

2. That the Town fund a new staff position (full or part time, through town funds or a grant) in the Health and Human Services Department to be the primary person to manage homelessness issues in Brookline (the "Staff Person").

3. That the Staff Person provide both wellness checks/street outreach to people who are homeless as well as long term problem solving to address the needs of homeless individuals and the public health, sanitation and quality of life concerns often caused by homeless encampments.

4. That the Staff Person include in their responsibilities education of the public concerning homelessness issues, including that homelessness is not a crime, that homelessness often coexists with mental health needs, how the public can alert the Town of concerns they have or problems they are experiencing as a result of homeless encampments, and the respective roles of the Staff Person, the BPD, and other Town agencies in providing services to the homeless population.

Walk and Talk Program

Based on positive and negative feedback from (i) a survey of BHA residents, (ii) interviews conducted with BPD officers and BHA staff, (iii) commentary from residents of BHA, and (iv) other information gathered from the BPD, BHA, BHA residents, and others about the functioning of the Walk and Talk Program, the Subcommittee makes the following recommendations:

1. That the Walk and Talk Unit continue at BHA properties to serve the needs of BHA residents.

2. That the Subcommittee continue its work after the Committee Report is submitted to conduct outreach to youth via Teen Center and BHA focus groups to ensure Walk and Talk/ youth interactions are meaningful and wanted and to receive input and suggestions from youth and BHA focus groups.

3. That a joint Mission Statement on the goals and objectives of the Walk and Talk Program between BHA/BPD be adopted and that input from residents and children of residents, with special outreach to people of color and youth, be included in the development of the statement.

4. That the BPD commit to annual surveys on the program and specific topics to ensure the Walk and Talk program is continuing to meet the needs of BHA residents.

5. That Walk and Talk officers and BHA management conduct focus groups with residents and increase the number of community meetings (preferably in person, post-COVID) with residents, including youth, with special outreach to youth of color, staff, and Brookline Housing Authority Board members.

6. That the Walk and Talk Unit develop a brochure/handout that BHA can share with residents that introduces the officers, their services, their contact information and the Mission Statement of the program. There can also be a link to the new Civilian Feedback Form being recommended by the Accountability Subcommittee.

7. That the Town Administrator's budget absorb the $15,000 annual payment by BHA to the BPD for Walk and Talk programs, events, supplies and other expenses.

8. That the BPD expand the Walk and Talk program to four officers with one officer assigned to the day shift who can work with the BPD Elder Affairs Officer and the Health and Human Services Department to focus on supporting elderly residents, who comprise 56% of the BHA population.

School Resource Officer Program

The School Resource Officer Program is a multifaceted program that supports healthy, trusting relationships between police and students and supports students making healthy, positive choices. In order to address concerns raised during this process about the SRO program, we recommend the following:

1. That the School Resource Officer program remain an important part of the middle and high school programs.

2. That the Police Chief develop a General Order within the BPD for submission to the Select Board that outlines the School Resource Officer program and formalizes oversight, PSB involvement, and requirements/limitations of the program.

3. That the SROs be included in the PSB teacher training/professional development that is relevant to student safety, racial justice, bullying and social media/online usage, and additional topics deemed relevant.

4. That the SROs attend principal meetings at least twice per year, and additionally as requested.

5. That the supervisor of the SROs (Deputy Superintendent of the Community Service Division or their designee) meet with the Superintendent of the Public Schools of Brookline at least once per year.

6. That the Superintendent of the Public Schools of Brookline (or their designee) participate in the interview/hiring process of SRO positions.

7. That the SROs host a forum for 6th grade students entering the AWARE program at the start of the program each year.

8. That the SRO at Brookline High School continue discussions with impacted communities and the school administration at the high school regarding the location of the SRO office.

MENTAL HEALTH AND SUBSTANCE MISUSE.

The Mental Health and Substance Misuse Disorders Subcommittee is charged with reviewing and reporting on the current community resources supporting individuals in Brookline with mental health and substance misuse disorders during times of crisis.

The Subcommittee is also charged with analyzing the role of the BPD during such crises and making recommendations to implement improvements at the BPD in their provision of services in support of vulnerable individuals or recommendations to engage or create alternative non-police options as appropriate. Because of the Commonwealth's failure to provide adequate services for individuals before and after the onset of a crisis, our recommendations will include proposed advocacy directed towards the legislature and executive branch agencies.

Recommendations of the Subcommittee:

1. That the Town assume the cost of training 100% of new Brookline Police officers in CIT and 100% of new dispatchers in mental health first aid once the state Department of Mental Health funding that has allowed Brookline to provide CIT training to all of its officers ends.

2. That the Town fully fund 2 FTE social workers in the BPD, at least one of which should be licensed to facilitate signing Section 12 petitions. This increase could be timed to pick up the funding for Annabel Lane, currently the only social worker in the BPD, when grant funding for her position expires. A second position to allow for some evening and weekend coverage would expand the frequency of embedded mental health expertise in Town emergency responses.

3. That the Department of Public Health and Human Services investigate contracting with providers of clinical services to be used by the BPD for mental health or substance use crises that can receive Medicaid reimbursements where such clinical services if contracted by the BPD could not be reimbursed.

4. That BPD Crisis Intervention Teams in coordination with the Health and Human Services Department collaborate with BEST on additional inservice training for Brookline Police officers to increase utilization of telehealth options and build on telehealth utilization experience obtained during COVID to assist officers in assessing whether or not mental health expertise or referral is the best disposition – especially for “on the line” cases.

5. That the Department of Public Health and Human Services support the nascent Homelessness Task Force utilizing a roundtable model similar to the Hoarding Task Force.

6. That the Department of Public Health and Human Services explore options with local private providers, such as The Brookline Center, to gain contracts for Community Service Programs for wrap-around out-patient services and PACT services to improve access for these comprehensive services for individuals with complex and serious mental illnesses, particularly during non-business hours.

7. That the Town work with its House and Senate State representatives to advocate for legislation that requires all private insurers to pay for emergency services for mental health evaluations and legislation that supports expansion of walk-in urgent mental health services.

8. That the Department of Public Health and Human Services offer to serve as a roundtable partner on either a Suffolk County or a Norfolk County Restoration Center implementation team, once such a team is organized.

9. That the Town adopt policies, practices, and compensation that support retention of police officers to maximize the return on its investment in sophisticated CIT training and to provide continuity for people suffering from mental health or substance misuse disorders who can be helped by properly trained CIT officers and back-up social workers or other social service personnel.

10. That the Town evaluate the current operation of the dispatch center and the BPD's response to mental health 9-1-1 calls to look for opportunities for improvement.

11.That the Town's Community Engagement Strategist work with the BPD and the Health and Human Services Department on educational programs to inform the community about the essential and non-transferable role that the BPD together with its in-house social worker and other social service workers play in mental health and substance misuse crises.
12. That the Town explore options with comprehensive healthcare systems already invested in Brookline to develop a public-private partnership for the purpose of creating in Brookline comprehensive medical/psychiatric 24 hour ambulatory care services with walk-in capacity and follow-up care.

13. That the Town and BPD monitor the recommendations for changes to emergency response by the Community Policing and Behavioral Health Advisory Council and prepare to implement recommended improvements in policies and procedures when they are promulgated on or before July 1, 2023.

PERSONNEL

The goal of the Subcommittee is to review, critique, and improve or recommend options for programs and services impacting BPD personnel; Civil Service; governance of BPD by Select Board; officer training and education; officer wellness.

The Personnel Subcommittee of the Select Board Committee on Policing Reforms is charged with responding to the memorandum from Town Administrator Mel Kleckner dated July 7, 2020, (Appendix 1), regarding exploring the Town's withdrawal from Civil Service for police and fire.

Additionally, the Subcommittee is asked to report on the existing governance of the Brookline Police Department and make any recommendations for changes or improvements, including options to assist the Police Commissioners in their role. Further, the Subcommittee is requested to assess the Brookline Police Department's current policies and practices around health and wellness, recruitment, hiring, promotions, and training and make recommendations for opportunities for improvement of current practices.

Finally, the Subcommittee is cognizant of the changes to civil service proceedings that are impacting how the Civil Service Commission will be able to operate in key areas such as officer discipline and appeals, which are effective on July 1, 2021. In addition the Police Reform Law has established a Commission charged with studying and examining the civil service law, personal administration rules, hiring procedures, and by-laws for municipalities not subject to the civil service law. The Commission is required to submit its report, along with legislative recommendations by September 30, 2021. This will establish the environment within which any decision regarding Brookline's Civil Service status will be made.

Recommendations

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1. That the BPD adopt the Subcommittee's proposed revision to its Mission Statement as submitted as part of the BPD budget.

2. That the Town Administrator (i) weigh the the pros and cons of leaving Civil Service as identified by the Subcommittee, (ii) begin discussions with police and fire unions to identify and acknowledge their legitimate concerns and issues, (iii) obtain the assent of the Select Board, (iv) begin the process of leaving Civil Service with the understanding that the completion of the report of the Commission on Civil Service may govern legislature's willingness to act or the Town's desire to act, (v) have a "Plan B" option of seeking home rule powers to change the preferences for hiring and promotions or other applicable powers if leaving Civil Service becomes more difficult or less desirable.

3. That the Select Board appoint a "Plan B" working group to consider preparing a warrant article for submitting a home rule petition to expand the Town's power to give preferences to different categories of potential applicants to the Police and Fire Departments, such as METCO students.

4. That the BPD Incorporate into the Police Manual an oath of office that includes pledging to uphold the Constitution of the United States in addition to the Constitution of the Commonwealth.

5. That the Select Board take steps to increase stability in leadership for the BPD by filling vacancies at the Deputy and Lieutenant levels by laying out a clear timeline and process for interim leadership and a search for a new Chief, including opportunity for public input.

6. That the BPD implement a more robust Police Cadet Program to assist in diversity hiring.

7. That the Select Board examine options to increase retention and promotions, including examining perceived pay disparities between Brookline and neighboring communities and the Quinn stipend disparity for new hires.

8. That the Select Board consider steps to incentivize officers to take Civil Service promotional exams, such as (a) subsidizing some of the costs associated with taking the exams, (b) urging the BPD to support study groups for promotion exam candidates, and (c) urging the BPD to formalize a mentorship program to assist candidates for promotions.
9. That the BPD and Human Resources Department systematically conduct exit interviews with all departing officers, including prior departed officers and Chief Lipson to fully understand barriers to retention.

10. That the BPD develop police specific counseling or chaplaincy programs to provide mental health and substance misuse services in addition to the Employee Assistance Program.

11. That the BPD include in its meetings with public school leadership on bullying and related problems the need for school sensitivity to bullying, shaming, and isolating of police officers' children when there are intense discussions and actions related to social and racial justice and other emotionally intense issues involving police.

Subcommittee on Accountability

Outline of Contents

1. Introduction
2. Civilian Complaints Policy
    a. Summary of work to date
    b. Review of current policy
    c. Weaknesses of the current process
    d. Improving the process for civilian complaints - Establishing a Police Commissioner Advisory Committee
    e. Recommendations for improving current policy
3. Civilian Feedback Form
4. Changes to Policy and Regulations
    a. 1F. Required Conduct
    b. 1G. Prohibited Conduct
    c. Use of Force
    d. 1D. Conflict of Interest
    e. Social Media Policy
5. Changes to Police Mission Statement

Recommendations

Supporting Documents and Materials in Appendix B to the Report

Introduction

Members: Michael Zoorob (chair), Raj Dhanda, Bernard Greene, Jonathan Mande, Marty Rosenthal, Robert Sable, Dwaign Tyndal, Ronald Wilkinson.

Policing reforms which promote accountability fall into four categories: Policies and procedures which ensure that "1) police officers obey the law and... treat citizens in a lawful, respectful, and unbiased manner; 2) incidents of alleged misconduct are properly reported and then investigated thoroughly and fairly; 3) proven incidents of misconduct result in appropriate discipline; and 4) police departments take proactive steps to prevent officer misconduct in the future."[7] To advance these aims, the Accountability Subcommittee has extensively reviewed—and suggested recommendations to improve—the civilian complaints policy and process and relevant provisions in the police manual. We have also proposed new procedures for the Department to receive feedback on its performance from members of the public.

The Subcommittee reached consensus on the following recommendations to the Select Board and to the Police Department, which are elaborated in more detail in this document:

1. The Select Board should institute a standing committee—what we have called the Police Commissioners Advisory Committee—tasked with reviewing policing practices and policies; liasoning with the public about police issues; and providing an additional oversight layer of complaint investigations in order to strengthen the civilian oversight of the Police Department provided by the Select Board.
2. The Select Board should revise and update the complaint procedures by, among other changes, creating a Liaison from the Office of Diversity who assists complainants; provide additional intake options for complaints against police employees; allow complaints to be filed online (this was accomplished during the committee's work); modify data reporting requirements to increase transparency by providing to the public additional information about complaints, including discipline, to the public; strengthen and formalize the mediation processes for less serious complaints; and make other changes to increase the accessibility and readability of the complaints process. We will continue to work on revising the document for consideration by the Select Board in the near future.

[7] Walker, S., 2012. Institutionalizing police accountability reforms: The problem of making police reforms endure. *St. Louis U. Pub. L. Rev.*, *32*, p.59.

3. The Select Board, Police Department, Town IT, and Diversity Office should institute a new survey procedure (akin to a customer satisfaction survey) for members of the public to provide feedback on civilian encounters. This would provide a more general way to obtain feedback from the public about the performance of the Police Department than relying solely on complaints and commendations. We have provided an online survey form and associated procedures to pilot this suggestion, which includes making the survey easily accessible to the public on a voluntary basis via the town website and through social media. Going forward, the Department may also consider randomly sampling people who have encountered the Police Department and surveying them.
4. The Select Board and Police Department should work to implement new policies and procedures that foster a culture of accountability, including more explicit policies on the duties to report misconduct and protecting whistleblowers from retaliation. The need for this change is heightened by the recent policing reform legislation which became law in December 2020, which stipulates that "A law enforcement agency shall develop and implement a policy and procedure for law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation." While the manual contains some relevant items—importantly, the use of force policy requires bystander intervention and the civilian complaints policy briefly mentions officers reporting peer misconduct—we have proposed some additions and modifications to strengthen these provisions.
5. The Police Department's stated mission and goals should include more explicit commitments to promoting equitable services by combatting profiling and other forms of disparate treatment and to reflect "the right to bias-free professional policing."[8]

There are many areas where Town policies meet best practices on police accountability. Campaign Zero, for example, is pushing for cities across the country to remove provisions from their contracts with police unions which hinder accountability. "From destroying records of an officer's past misconduct, to disqualifying new complaints of misconduct from being investigated or resulting in discipline: we must demand cities remove all matters of investigations, discipline, and records retention from the police union contracts."[9] In Brookline's Police Union Contract, the right to

[8] Section 37 of "An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth" [Chapter. 253 of the Acts of 2020 amends chapter 12 of the General Laws section 11H of which section 11H(b) is a part.
[9] https://nixthe6.org/no-more

discipline for just cause is a management right, as recommended by Campaign Zero.[10] Similarly, the Contract does not contain any provisions limiting or hindering disciplinary action, such as by providing officers with additional time to review complaints against them before they are interviewed, or expunging complaint records of officers. Under no circumstances should the Town allow the inclusion of any provisions in a future contract which limit discipline or limit disciplinary records.

1. Civilian Complaints Policy

A. Summary of work

Our review of the complaints policy included reviewing testimony from complainants, Town employees, policing experts (especially Jack McDevitt and Samuel Walker), local police civil rights attorney Howard Friedman, Departmental statistics and reports on complaints, and the policies of other communities. We received and reviewed three years of redacted investigation reports provided by Lt. Campbell. We also interviewed Bobbie Knable and Kelly Race (the authors of the 2017 assessment of the complaints process), Ann Braga (the Town's Human Resources Department head), Lt. Paul Campbell (the Police Department's internal affairs officer, who oversees civilian complaints against police employees), Professor Jack McDevitt, and 4 civilians who filed complaints against police department employees in recent years.

Our review was also informed by previous studies of the complaints process in Brookline, including the 2017 Knable/Race report on the complaints process, the 2014 assessment of the complaints process, the 2009 Report Concerning Citizen Police Complaint Procedures, as well as the broader 1987 study on police civilian relations and its update in 1998.

To examine and track the trends in the volume of complaints, complaint outcomes, and complaint and complainant characteristics, we compiled data from the Department's annual reports and Brookline's 2009, 2014, and 2017 studies of the complaint process. The 2009 study provided the total number of complaints over the 1996-2017 period. The Brookline Police Department's end of year reports from 2012 to 2019 (available on the Department's website) include both the counts of annual complaints as well as, for each complaint, fields pertaining to the race and gender of the employee(s) subject to the

[10] The relevant section reads, with our emphasis, "Among the Management Rights that are vested with the Town are the following: the right to hire, promote, and transfer, *the right for just cause to give written reprimands, suspend, demote, discharge, or otherwise discipline*, and the right to relieve employees from duty because of insufficient funds. Just cause shall not apply to verbal warnings and verbal reprimands or to probationary employees."

complaint, the race and gender of the complainant, the nature of the complaint (e.g. rudeness, improper procedure, profiling), and the outcomes of complaints. We compiled these data from each of the annual reports into a single spreadsheet enabling analysis of complaint and complainant characteristics over the years 2012-2019.

B. Review of the current process

Under the current policy, civilians file their complaints against police employees to the Police Department's Office of Professional Responsibility (OPR). Complaints are then handled through internal investigation and review by the Internal Affairs Officer Lt. Paul Campbell, a 22-year veteran of the Police Department, who is the sole employee in the OPR. Lt. Campbell reports to the Police Chief and the Select Board and is otherwise outside of the Police Department chain of command.

At the conclusion of the IAO investigation into the complaint, the IAO's final report is forwarded to the Chief, Select Board, and complainant. The Select Board is permitted to ask for changes to the report or, if a majority of the Board wishes, retain outside counsel to investigate ("If a majority of the Select Board considers a complaint particularly complicated or to require additional effort or expertise, special counsel may be retained to conduct an investigation"). In addition, the complainant receives instructions on how to file an appeal of the case to the Select Board. If the complainant chooses to file an appeal, the Select Board revisits the case *de novo*. Typically, the Select Board hires an outside hearing officer to revisit appealed complaints.

Complaint volume. As was noted in the 2009 and 2017 studies of the complaints process in Brookline, there are few civilian complaints filed per year. Moreover, the number of complaints has declined in recent years. Between 1996 and 2007, there were 266 civilian complaints filed against police officers or, on average, 22.2 complaints filed per year (Page 19, 2009 Final Report Concerning Citizen Police Complaint Procedures). Between 2010 and 2020, there were 105 complaints, or, on average, 9.5 complaints filed per year (calculations from numbers found in the 2012 to 2019 End of Year Reports, with the 2012 Report also providing 2010 and 2011 numbers, and correspondence with the Police Department for 2020). In some years (e.g. 2017, 2018, and 2020), the Police Department recorded just two civilian complaints against police officers. As the Knable/Race report indicated, such small numbers of complaints filed are consistent with both a small number of police-civilian encounters in which the civilian feels the police acted inappropriately and/or civilians reporting only a small portion of perceived inappropriate police-civilian encounters to the Police Department (indicating a need for greater effort publicizing the process and boosting its credibility).

Table 1: Complaint Volumes

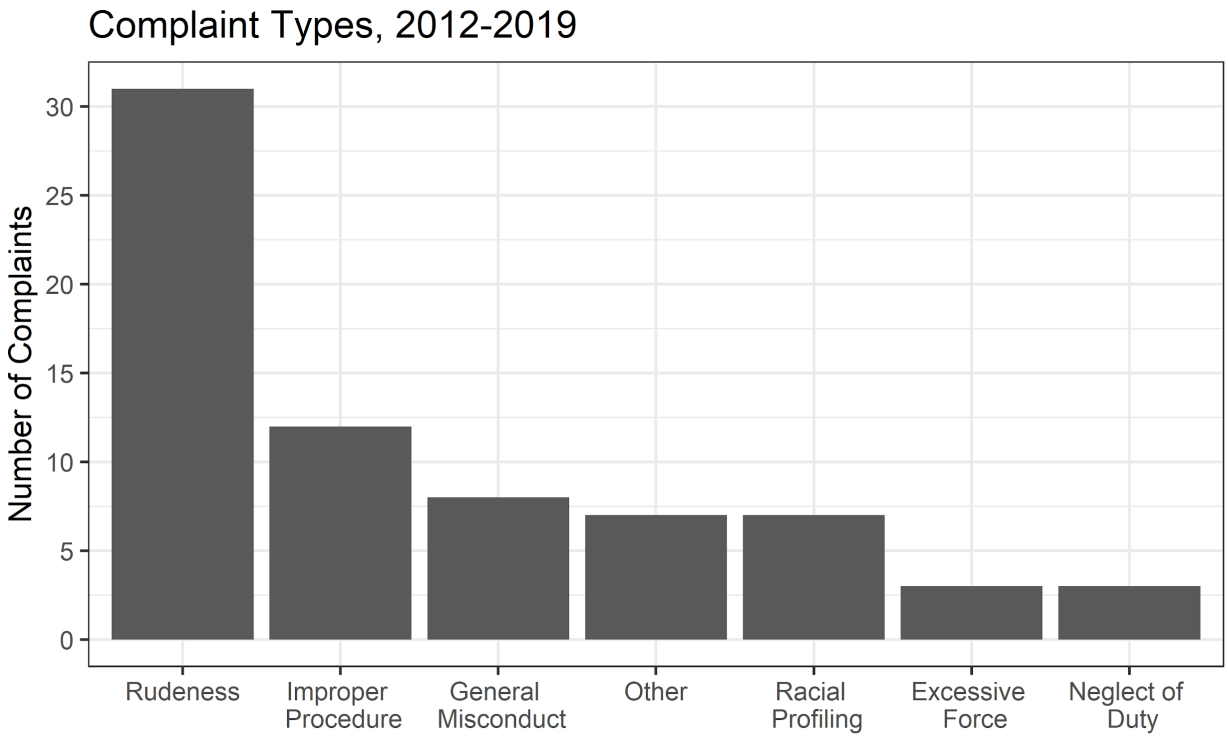
Year	Complaints	Source
1996-2007	22 (average)	2009 Report Concerning Citizen Police Complaint Procedures (page 20)
2010	26	2012 End of Year Report
2011	17	2012 End of Year Report
2012	5	2012 End of Year Report
2013	14	2013 End of Year Report
2014	7	2014 End of Year Report
2015	14	2015 End of Year Report
2016	8	2016 End of Year Report
2017	2	2017 End of Year Report
2018	2	2018 End of Year Report
2019	8	2019 End of Year Report
2020	2	Correspondence with Police Department

Complaint types. Most complaints against Brookline Police Department employees are classified as involving rudeness or discourtesy (31 of 60, or 51.7%); 12 complaints (20%) involve improper procedure, 8 (13.3%) involve general misconduct, 7 complaints (11.7%) included allegations of racial profiling, and 3 complaints (5%) involved use of excess force.

Compared to Boston and Springfield, the share of complaints against Brookline police employees alleging excessive force is lower, while the share alleging rudeness is higher. In Springfield, where the Department of Justice has documented extensive issues with police misuse of force against civilians, 53 of 308 (or 25%) of civilian complaints against police employees processed by the Community Police Hearing Board in 2016 alleged excessive force.[11] In 2018, 33 of 138 (23%) complaints alleged excessive force, while just one complaint alleged discrimination on the basis of race.[12] In Boston, according to the Internal Affairs Database obtained by the Boston Globe, "Almost a quarter of the allegations concerned disrespectful treatment by police; another 22 percent were for neglect of duty or unreasonable judgment [and the] 152 use of force allegations were the third most common, making up 7 percent of allegations."[13] Complaint information for Newton was available via media reports for the years 2019 and 2020 only, and the available information is limited. In 2019, it appears that of 9 complaints filed against police employees in 2019, 2 allege profiling or bias (22%) while 2 allege rudeness (22%).[14]

[11] https://www.springfield-ma.gov/cos/fileadmin/law/CPHB/CPHB_Annual_Report_2016.pdf
[12] https://www.springfield-ma.gov/cos/fileadmin/law/CPHB/CPHB_Annual_Report_2018.pdf
[13]https://www.bostonglobe.com/2020/07/18/metro/within-boston-police-department-complaints-against-officers-are-rarely-confirmed-or-result-punishment/
[14] https://patch.com/massachusetts/newton/got-complaints-kudos-newton-police-what-know

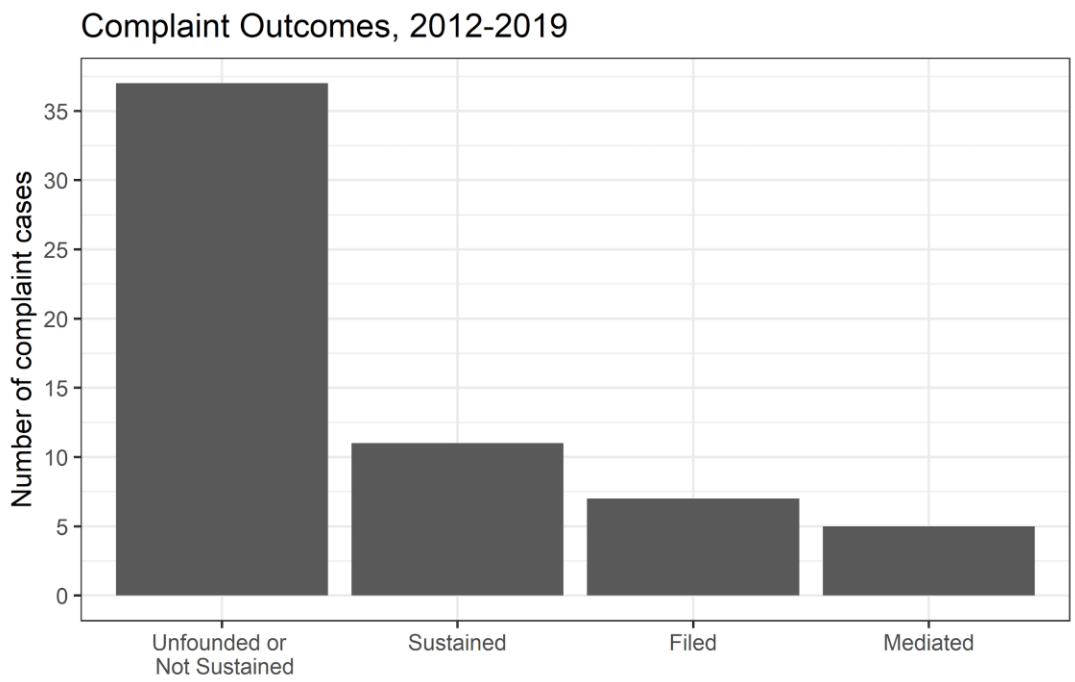
Figure 1: Complaint counts by type of complaint.



Note: Some complaints contain multiple allegations.

Complainant characteristics. Most complainants (36, or 60%) were recorded as white, 7 were Black (11.7%), 5 Hispanic (8.3%), 4 Asian (6.7%), and 4 Middle Eastern (6.7%). The remaining 4 complainants had no racial information listed. The sex of complainants was balanced, with 30 complainants recorded as male, 28 recorded as female, 1 as unknown, and 1 complaint attributed only to the Brookline Police Department. 56 complaints were made by civilians, while 4 complainants were initiated by BPD employees (2 supervisors, 1 officer) or the BPD itself.

Complaint outcomes. Figure 1 shows the number of complaint findings by outcome (sustained, mediated, etc). Sometimes, a complaint consisted of multiple allegations. If any allegation was sustained, the outcome was categorized as “sustained.” One case whose outcome was “exonerated” is included in the “Not Sustained/Unfounded” category. Of the 60 complaints submitted in the years 2012-2019, 37 (61.7%) resulted in findings of unfounded or not sustained, while 11 (18.3%) were partially or fully sustained. Five complaints (8.3%) were mediated. Seven complaints (10%) were filed—meaning no investigatory action was taken, typically because the alleged misbehaving employee could not be identified or the complainant withdrew the complaint.



Complaints initiated by Brookline Police Department employees were more likely to be sustained than those initiated by civilians. All 4 of the 4 complaints initiated by BPD officials were sustained, while 7 of the 56 civilian complaints were sustained. Complaint outcomes also varied by the nature of the complaint. No complaints for racial profiling or excessive force were sustained.

There were 7 (at least partially) sustained civilian complaints out of 56 civilian complaints, resulting in a 12.5% sustain rate (an additional 5 complaints – about 9% – were resolved with the agreement of complainants via mediation). The share of complaints that were sustained does not seem unusual compared to other communities; it is higher than Cambridge and Boston and somewhat lower than Newton (Samuel Walker, a policing scholar, gives a ballpark figure of 10% sustain rate nationwide). In Cambridge, between 2013 and 2018, just 2 of the 29 complaints investigated by the civilian Police Review Advisory Board were (partially) sustained (6.9%).[15] In Boston, about 10.8% of the civilian complaints against police officers between 2016 and early 2020 were sustained (148 of 1367).[16] In Newton, there were 63 complaints against police employees investigated by the Police Department between 2016 and 2020. Of these, 10 were sustained, or about 15.8%.[17] Because of differences in recording

[15]https://www.cambridgeday.com/2019/02/01/police-board-drags-its-heels-ducks-questions-on-commissioner-actions-that-alarmed-aclu/
[16]https://www.bostonglobe.com/2020/07/18/metro/within-boston-police-department-complaints-against-officers-are-rarely-confirmed-or-result-punishment/?p1=Article_Inline_Text_Link
[17] https://patch.com/massachusetts/newton/got-complaints-kudos-newton-police-what-know
https://patch.com/massachusetts/newton/10-complaints-against-newton-police-2020

practices between cities, scholars caution that the sustain rate may not be comparable between communities.[18]

Select Board Appeals. We received information on Select Board appeals from Lt Paul Campbell. Since 2015, five appeals of complaint decisions have been made to the Select Board (3 in 2015, 1 in 2016, and 1 in 2019). In the first 2015 case, a police officer appealed a complaint which was sustained, but subsequently withdrew the appeal after agreeing with the discipline. Also in 2015, both a police officer and a complainant appealed the finding of a case which was sustained. The Select Board did not hear this appeal, and Lt Campbell was unable to ascertain why. In the final 2015 case and the 2016 case, the Select Board hired an independent hearing officer to hear the cases, which were both filed by the same attorney. The complainants did not proceed with the appeal. In the 2019 case, the Select Board scheduled a hearing but the complainant did not move forward with the appeal.

C. Weaknesses of the current process

1. Multiple complaints processes

In addition to the Police Department civilian complaints policy, the Human Resources Department has a complaints policy covering all Town employees pertaining to Discrimination, Harrassment, and Retaliation. There is also a complaints process being developed through the Commission for Diversity, Inclusion, and Community Relations. There are no clear rules for how these processes interface with one another (something which we hope can be addressed by the addition of a standing Select Board committee on policing). The Human Resources complaints procedure is well-staffed and centered around mediation of complaints, which may be a useful method for addressing many complaints.

2. Select Board appeals may not always be handled as directed by policy.

The 2017 report on the complaints process from Bobbie Knable and Kelly Race notes that, “In our review, we found that not all complainants making appeals to the Select Board were granted the right to be heard by the Select Board or were granted the opportunity in a timely manner. This right was a key element of the 2009 policy. It is critical to the checks and balances on the Police Department in the complaint process.”

[18] Walker, S.E. and Archbold, C.A., 2018. *The New World of Police Accountability*. Sage Publications. Page 161

3. "Biennial Review" of policy is inconsistently undertaken.

The Complaints Procedure adopted in 2009 calls for a biennial (every two years) review of the civilian complaints procedure conducted by 2 civilian appointees and the police chief. However, this requirement for biennial review has not been faithfully followed. There have been just two assessments since the policy was adopted in 2009. In 2017, police chief O'Leary nominated Bobbie Knable and Kelly Race, who were confirmed by the Select Board at their June 27, 2017 meeting. The Knable/Race report notes "This is the second periodic assessment. While the assessment should be completed every two years it was delayed from 2015 to 2017 because of unforeseen circumstances" (page 1). The 2017 Report remains the most recently conducted review. Further, the report made several observations and recommendations about the complaint policy, but these were never voted on. There was an initial Select Board hearing on the 2017 Report in fall 2019, and the Chair indicated that this issue would be revisited in future weeks. However, this did not happen.

4. Select Board's "public education" plan required by policy may not exist.

The complaint policy adopted in 2009 states that "The Board of Selectmen shall ensure the creation of a plan, subject to biennial review, for educating the public about the complaint process, including on the Town Website." It is not clear that this has ever happened, and no information about this plan appears to be available. The Knable/Race report notes several ways in which the complaints policy could better be publicized, including via social media.

There seems to be a need for such a public education campaign. Many members of the public may not know how to file a complaint against police employees. In the Reimagining Taskforce / Tufts University policing survey of Brookline residents, a majority of respondents stated they would be comfortable filing a complaint against a police employee, but a majority of respondents also stated that they were unaware of how to file a complaint.

5. Mediation is an underutilized tool for resolving less serious complaints.

In Brookline, as elsewhere, a majority of complaints against police employees fall into the category of "rudeness/discourtesy." For complaints of this nature, mediation may be a more effective way to resolve the complainant's issue to their satisfaction than an adversarial investigation, particularly when there is not (and there often is not) evidence of the underlying events besides the civilian's account and the officer's account (such instances typically result in a finding of "not sustained"). Scholars of police complaints have noted that the traditional adversarial model typically results in both the officer and

the complainant feeling dissatisfied, while mediation results in somewhat better outcomes among both parties.[19]

Brookline's complaint policy does stipulate that a complaint can be resolved as "mediated", but is used only frequently, perhaps because it can only be offered after a full investigation has been completed. There were five complaints resolved by mediation (1 in 2013, 2 in 2015, 1 in 2016, and 1 in 2017) for allegations of improper procedure, racial profiling, rudeness (x2), and general misconduct. It is not clear whether, in other instances, an offer was extended for complainants to undergo mediation and the complainant or officer rejected this offer.

6. Credibility of an internal review process

There appears to be significant concern from complainants and members of the community, including some members of our Subcommittee, that an internal review process for investigating complaints is unlikely to be impartial. Instead, many people believe that the current internal process is "stacked against" complainants and biased in favor of police officers. (While Brookline's existing process is not fully internal – there is a process for appealing to the Select Board to conduct an external investigation – these appeals are fairly rare.) Whatever the actual merits of this belief, if the complaint process is not perceived as credible, then individuals may not be willing to file complaints, undermining core functions of the complaints policy, which exists in part as a channel for obtaining feedback from the public about officer behavior. This concern is not unique to Brookline; it is a concern shared across communities. In Denver, a survey of complainants found that over 80% were dissatisfied with how their complaint was handled, and 90% believed the process was biased in favor of the police.[20]

Some experts share this concern that "self-policing will necessarily and unavoidably produce a biased result" – even with a well-intentioned and honest police investigator – due to "pressures from all sides that come to bear on internal investigations" including from superiors within the police organization, the police union, elected officials, and fellow officers."[21] "Should police be investigating themselves in the first place?" said former Boston police lieutenant Tom Nolan, who once worked in internal investigations and now teaches criminology and criminal justice at Emmanuel College, to the *Boston*

[19] Walker, S., 2002. *Mediating citizen complaints against police officers: A guide for police and community leaders*. US Department of Justice, Office of Community Oriented Policing Services.
[20] Walker, S.E. and Archbold, C.A., 2018. *The New World of Police Accountability*. Sage Publications. Page 168.
[21] Bobb, M., 2003. Civilian oversight of the police in the United States. . *Louis U. Pub. L. Rev.*, *22*, p.151.

Globe. "During this time when we're examining policing on a macro level, we should ask this question."[22]

D. Improving the process for civilian complaints

The subcommittee is continuing to work on revising the civilian complaints policies and procedures. Some of the recommended changes that will be included in the revised procedures are included below.

1. Creating a new civilian committee to assist with complaints, review internal investigations, hear from the public, and provide ongoing feedback into policing policies in Brookline.

The Final Report of President Obama's Task Force on 21st Century Policing notes that "Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community" (26). Under Massachusetts General Laws Chapter 41, §97, the Select Board is empowered to "make suitable regulations governing the police department and the officers thereof."[23] Brookline General Bylaw Section 3.1.2.A has formalized the Select Board's civilian oversight role by giving members the title "Police Commissioners." In principle, Brookline has a very strong version of civilian oversight: five directly elected civilians in the Select Board have broad powers. These powers include removal of the police chief and police officers "for cause" subject to civil service law. They also include the implementation of all police policies. Those policies have included the Civilian Complaints Policy, which gives the Select Board authority to hear appeals of a decision of the police chief or to retain legal counsel to sit as a hearing officer to hear an appeal. In practice, however, the Select Board has seldom exercised the full range of its civilian oversight powers with the myriad other responsibilities competing for its attention and limited resources at its disposal.

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[22]https://www.bostonglobe.com/2020/07/18/metro/within-boston-police-department-complaints-against-officers-are-rarely-confirmed-or-result-punishment/

[23] There are two versions of the MA General Laws regarding the establishment of Police Departments (§97 and §97A). In 1921, Brookline adopted §97, which gives less authority to the police chief and more authority to the Select Board, and reads in part as follows: "In towns which accept this section ... 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 … and the Selectmen may remove such chief or other officers for cause ... The Selectmen may make suitable regulations governing the police department and the officers thereof…" See also Chief of Police v. Westford, 365 Mass. 526, 530-31 (1974) ("[T]he primary control of the police department is in the chief of police under §97A and in the Selectmen under §97. ... [T]he Legislature … has given towns the alternatives of a 'strong' chief, a 'weak' chief, or no chief at all...")

To strengthen the Select Board members in carrying out their responsibilities as Police Commissioners in providing effective civilian oversight over the Police Department, we recommend a standing committee of civilians tasked with providing ongoing monitoring and input into police policies, acting as liaison between the public and the police, and providing independent review of internal complaints investigations. This group would be called the Police Commissioners Advisory Committee (PCAC). The PCAC combines a reactive "review" model of civilian oversight (monitoring complaints of police misconduct) with a proactive "auditing" of police policies and procedures.

The current civilian complaints process engages with the Select Board in three ways. First, the Select Board is the body that hears and reviews *de novo* those complaints that civilians or officers appeal for further consideration once presented to them by the Town Administrator. Second, the Select Board with consultation of the Police Chief appoints two civilians to perform a biennial assessment of the complaints process. Third, the Select Board is tasked with ensuring the creation of a plan to educate the public about the civilian complaints process.

In each of these roles, the Select Board's performance would be enhanced by the creation of the PCAC. The Select Board has not always heard appeals that were filed, as noted by the 2017 review of the complaints policy; the investigation of one complaint was appealed by both the civilian and the officer involved, but the Select Board did not schedule a hearing on either appeals. The biennial assessment of the complaints process has only happened twice since 2009.[24] The 2017 review was presented to the Select Board on June 4, 2019 and accepted by the Select Board on October 15, 2019 but the recommendations to revise the Complaint Policy were never voted by the Select Board.[25] Regarding public education, it is not clear what actions the Select Board has taken to carry out public education on the complaints process, though the 2017 report mentions some ways to improve this process. The PCAC members could assist the busy Select Board in carrying out these responsibilities – as well as reviewing police practices more generally – in the same way that various other advisory boards assist and report to the

[24] The delay was explained as follows in the Select Board minutes for June 4, 2019: "Lt. Campbell responded that there were a number of circumstances causing the delay, former Chief O'Leary took a [medical] leave of absence; I was on leave of absence and the difficulty in getting people to assist in the process, hopefully we will keep this on track." The review period for both periodic assessments was extended to include all prior cases and years that had not yet been studied.

[25] The 2017 review was presented to the Select Board on June 4, 2019 by Bobbie Knable and Kelly Race. Objections to the scope of the review and its methodology were raised by a Select Board member. Because scope and methodology was defined by the terms of the periodic assessment required by the policy, the Chair of the Select Board suggested that they take further comments and revise the policy, including the section requiring a periodic assessment in order to better define the proper scope of the review. On October 15, 2019 the Select Board voted 4-1 to accept the Knable/Race review of the complaint process. The Complaint Policy was not voted. The Policing Reforms Committee's Subcommittee on Accountability took up the review and revision of the Complaint Policy. Its recommendations will be part of the Committee's recommendations to the Select Board.

Select Board (e.g. the Housing Advisory Board, Economic Development Advisory Board, and Building Commission). While the Select Board maintains formal policymaking authority, it tends to defer to its dedicated appointees.

Moreover, the PCAC would provide an additional layer of scrutiny to the internal investigations of complaints, providing a "check and balance" on the complaint process. The PCAC would be empowered to review all internal investigations *while they are live* (unlike some other communities, where civilian oversight boards only access the internal investigations after those investigations have been closed). If a majority of PCAC members find an investigation to be deficient, it can refer the complaint back to the IAO for further work; if that is insufficient, the PCAC can recommend that the Select Board take additional action to resolve the complaint, such as hiring an external investigator. The PCAC is also charged with referring suitable complaints to the Human Resources Department for investigation under its Harassment, Discrimination, and Retaliation complaint policy, though how these processes interface with one another is ambiguous and requires some sorting out by the PCAC and Departments.

This proposal does not, however, displace the investigation of police complaints from the Police Department by shifting investigations to an external agency. There are two immediate reasons for this. First, Town Counsel advised us that moving the investigation of complaints outside the Police Department would require collective bargaining with the police union – it would remove work from the bargaining unit and might constitute a substantial change in working conditions for police employees. As a result, such a change can only be implemented when the police union contract is renegotiated. Second, the relatively low volume of complaints (2 in 2020, 8 in 2019, 2 in 2018, and 2 in 2017) makes it difficult to justify the expense of hiring an external investigator, as civil rights attorney Howard Friedman told us. There are also some substantive reasons for keeping this function in the Police Department. Some scholars, such as Northeastern University Professor Jack McDevitt in his discussion with us, suggest that eliminating the adjudication of complaints from the Police Department hinders accountability by letting the Department off the hook for correcting misconduct. "Without responsibility to adjudicate wrongdoing and impose discipline, … senior executives in the law enforcement agency cannot be held personally accountable for dealing with police misconduct..."[26]

Importantly, the PCAC's responsibilities are not limited to reactively monitoring complaints. The group would also, on an ongoing basis, review and audit the formal and informal police department policies and practices and recommend changes to those policies for the Select Board (as Police Commissioners) to implement; assist the Select Board in determining collective bargaining priorities with the police union (including, as

[26] Bobb, Merrick. "Civilian oversight of the police in the United States." St. Louis U. Pub. L. Rev. 22 (2003): 151.

desired, replacing the investigation of police complaints with an external investigator); hold regular public hearings to hear from the public about police issues and to present information about stops, arrests, complaints, and other data pertinent to the Police Department; study police training practices; and interview Police Department employees to hear about their concerns and suggestions for improvement. To effectively carry out these functions, the PCAC would be assisted by non-voting representatives from Town Counsel, the Office of Diversity, Human Resources Department, and the Police Department. There would also be a non-voting Police Union representative.

The PCAC attempts to achieve civilian oversight that is tailored to Brookline by leveraging its strong tradition of volunteerism to make its Town structure work effectively. The Select Board has ample legal authority to oversee the Police Department, but it lacks the skills, expertise, and dedication of volunteers that would give life to these powers.

In the Appendix, please see a working draft of the charge for the PCAC.

2. Improving Accessibility of Complaints Processes

The relatively small numbers of complaints filed are consistent with both a small number of police-civilian encounters in which the civilian feels the police acted inappropriately and/or civilians reporting only a small portion of perceived inappropriate police-civilian encounters to the Police Department. Like the Knable/Race report suspected, we suspect that there are many instances where civilians do not file complaints because they are unfamiliar with the process for doing so. The Department (and Town) should consider further steps for publicizing the process, including by developing and implementing a public education plan. In Section 2 of this report, we outline the development of a new feedback form for civilians to provide feedback on encounters with police which would also connect those who fill out the form to the complaints policy. This form could be shared on the Police Department's social media.

One specific weakness in the accessibility of the complaints process that we identified was that civilians previously were unable to file complaints directly on the Town website (despite the fact that the complaint policy as amended in 2009 specifically indicates that the Town website was a location where individuals could submit complaints.) While civilians could file commendations of police officers through a webform on the website, the process for complaints required navigating through a few different .pdfs on the page, printing the complaint form, and mailing or delivering it to the Police Department. However, the Police Department and Town staff from the IT Department remedied this by producing a web form for filing complaints, which is now live and available for use. The web version of the complaint form is on a webpage which can automatically be translated into other languages via a Google Translate button, responsive to a

recommendation from the the 2017 Knable/Race report, which called for translating the complaints document into non-English languages. However, this automated translation provided by Google is likely to be less accurate than a professional translation. We further recommend that the Police Department endeavour to translate its brochure into other commonly spoken languages in Brookline.

3. Better communicating and resolving inconclusive findings

In many civilian complaint cases, the sole sources of evidence are the testimony of the civilian filing complaints and the officer facing the complaint. These accounts often conflict. Absent footage or other witness testimony, the conflicting testimony typically results in a finding that the complaint is "not sustained" (as there is not a preponderance of evidence that the officer misbehaved). The civilian complainant is likely to find this frustrating. While this problem has no simple solution, we recommend renaming the "Not Sustained" disposition to "Inconclusive", which provides a better sense of the finding.

4. Implementing body-worn cameras

For the reasons described above, there is often limited information available to determine by a preponderance of evidence whether the actions alleged in a civilian complaint took place. Members of the subcommittee feel that this problem warrants careful examination of the implementation of body-worn cameras as one tool for providing additional information to assist in the resolution of civilian complaints. Several of the complainants we interviewed stated their support for cameras. In the case of one complainant we heard from, the incident occurred at the Police Department front desk and was recorded, which assisted the investigation.[27] In other internal investigations cases we reviewed, dispatchers were the subject of complaints, and because the dispatchers phone conversations with civilians are recorded, these recordings supported claims of improper behavior.

5. Improving interview experience for complainants

[27] This complaint illustrates the difficulty of achieving certainty in reviewing civilian complaints. The complainant alleged "rudeness/discourtesy." In the complaint the complainant also said that the officer used a profanity when speaking to them: "Brookline Police gives shit out," which the officer acknowledged. The officer claimed that he was "trying to be funny and said it in a joking manner." The internal affairs officer rebuked the officer for the use of profanity to a person who may not want to hear profanity. Nonetheless, the internal affairs officer recommended a finding of unfounded on the allegation of rudeness/discourtesy. The video and audio recording of the encounter, which were made available to the Subcommittee, shows how the same facts can be interpreted differently by different people.

Complainants we interviewed suggested that there were ways in which the process felt stacked against them. Creating a process that complainants feel is fair – even when their complaints are not sustained – is a complex problem. But our conversations with complainants suggest some concrete steps that can mitigate these concerns. First, a non-police employee should be made available to assist complainants with information and by providing, if requested, a neutral presence at any interviews. The IAO should inform complainants and witnesses that they are allowed under the policy to have another person present. Second, all in-person interviews with complainants should be conducted in neutral locations, such as Town Hall or other municipal buildings like Public Health, rather than at the Police Department. Third, intake for complaints should be primarily through a non-Police Town Department, such as the Office of Diversity, or through a civilian body, such as the proposed standing Select Board committee.

6. More systematic approach to mediation of less serious complaints.

The Civilian Complaints Policy as currently written limits when and by whom mediation can take place. It states that mediation of complaints can occur only after an internal investigation is completed, and it states that only the IAO can facilitate mediation. The Policy could be improved by more formally incorporating mediation as a routine method for dealing with appropriate complaints and by allowing an offer of mediation to take place before a full internal investigation is completed. Barbara Attard, then-chair of the Berkeley Police Review Commission, noted that "Investigations of police misconduct complaints have limited efficacy in some types of cases, particularly those that are one-on-one and discourtesy/attitude-based cases. The majority of such cases result in a finding of 'not sustained.'" Not sustained findings, in turn, often leave both officers and civilians feeling dissatisfied.[28]

A more systematic approach to mediating appropriate complaints might be achieved by linking the police complaints process more formally with the Human Resources Department, which has the capacity and staff for mediation through its Harrassment, Discrimination, and Retaliation Process. The proposed Select Board standing committee could help liaison between these processes.

7. Improving data reporting in Departmental annual reports

There is a wealth of information about complaints contained within the Department's year-end reports. However, this could be improved further in a few ways. First, the Department should report the conclusion of cases which were pending investigation at the time of the previous year's annual report. On several occasions, complaints are

[28] Attard, Barbara. 1999. "In Praise of Mediation," The Connection(Winter 1999/2000)

described as “under investigation” in the End of Year report. It is not surprising that, by virtue of the calendar, some complaints are pending resolution at the time of the annual report. However, it is not clear where, if anywhere, the outcomes of these unresolved cases are reported. Final information regarding such complaints should be released in the subsequent year’s report. Second, the Department should report how long a complaint was under investigation before the case was closed. A timely hearing of grievances is an important component of justice. In other jurisdictions, there has been a problem of police complaint cases being left open for many months. This may or may not be the case in Brookline; the data released by the Department does not provide all the necessary information to make a determination. Third, the Department should release additional information on what discipline or remedial action was taken in response to sustained complaints. A fair process produces appropriate disciplinary action in response to wrongdoing, and public confidence in the complaints process would benefit from indication that complaints resulted at least in some occasions in meaningful disciplinary action. While disciplinary information on personnel matters had been exempted from the Open Records Law, the 2020 Police Reform legislation eliminates this exemption for police employees, opening the door to regular disclosure of this information.

2. Civilian Feedback Form

To evaluate concerns about the quality of civilian encounters with Brookline police officers, it is important to have access to reasonably complete and accurate data about such encounters from the perspective of both the police and civilians involved. We already have the police perspective in the form of the reports routinely filed by the officers after these encounters. The only standard way civilians have had to provide their own perspective has been the filing of a formal complaint or a formal commendation regarding the behavior of a police officer. This method is generally considered to be intended for very exceptional cases and is generally used that way. There has been no standard way to get a pulse on how civilians feel about the vast majority of more routine police interactions.

Over the past couple of decades, many public facing institutions have deployed web-based feedback forms to gather timely customer perspectives about the quality of service the institutions provide. Customers are now very familiar with these forms, and the ubiquity of smartphones has made these forms available to a wide, though not universal, swath of the public. The Accountability Subcommittee of the Brookline Police Reform Committee believes that implementing a well-publicized web-based feedback form for civilians to evaluate encounters with the Brookline Police has the potential to provide greatly improved data for understanding the quality of civilian/police interactions.

This data collection method is not expected to be a panacea, but a useful tool among others for understanding issues and improving customer service. To be optimally effective, such a web-based feedback program should be implemented with conscientious monitoring of the feedback received, timely analysis of trends and anomalies, and adequate regard for the rights and privacy of both the police and civilians involved in the interactions reported.

As a pilot implementation to test out and learn from a deployment of such a civilian feedback program, the Accountability Subcommittee has done the following:

- Created a SurveyMonkey based civilian feedback form that can be easily deployed on the town website and on social media and that can be filled out on a smartphone, tablet or computer in about one minute.
- Is recommending a policy and set of procedures to:
    - deploy and manage the form
    - safeguard the data collected
    - provide ongoing monitoring of the data as it comes in to enable the town to make timely responses as needed
    - provide periodic analysis of the aggregated data to detect trends and anomalies that can be acted upon to improve the overall quality of civilian interactions with the Brookline Police.

These recommendations will be submitted by the Accountability Subcommittee to the full Police Reform Committee for endorsement and passed on to the Brookline Select Board for final approval and implementation.

3. Changes to Police Manual

1. Required reporting of misconduct

On page 33 of the police manual, add new item 12 in Section 1F "Required Conduct" of the General Regulations of Brookline Police Rules and Regulations (new language is **bold/underlined**).

> **12. Duty to Report Misconduct – Immediately report any alleged unlawful conduct or policy violations by other personnel to the uniform Shift Commander, who shall relay this information to the Internal Affairs Officer for further investigation.**

Explanation: This is intended to require officers to report any misconduct they witness to the shift supervisor, enshrining a culture of peer oversight and correcting misbehavior

(see an overview of the issues around whistleblowers in police organizations here, here, and here.).

Acting Police Chief Mark Morgan pointed out that this language may be duplicative of existing language elsewhere in the Policy and Procedures section. In the section of the Policy and Procedures pertaining to Civilian Complaints, in the subsection regarding "receiving complaints", the policy reads "Any officer or employee who has information or evidence of another officer's or employee's misconduct shall convey it to the Chief or to the IAO." We feel that this requirement makes more sense to be included in the Required Conduct section of the manual than in the Civilian Complaints section and is sufficiently important to be included as Required Conduct rather than a note within the Civilian Complaints part of the manual.

2. Prohibition against retaliation (general)

On page 36 of the police manual, add new item 26 in Section 1G "Prohibited Conduct" (new language is **bold/underlined**).

> **26. Retaliation – Personnel shall not intimidate or otherwise discourage civilians who file or wish to file a complaint against an employee of the Department. Personnel shall not take retaliatory actions against any Town employees who file a complaint against a police officer or reports any alleged misconduct.**

Explanation: Civilians who file complaints against police department employees deserve the confidence that they will not face retaliation for doing so. Furthermore, express prohibition against retaliation for filing complaints may protect employees who seek to file complaints (see recent Amy Hall case heard by the Civil Service Commission where a police officer was "admonished for going outside the chain of command" by filing a complaint of harassment with the Human Resources Department).[29]

3. Prohibition against retaliation (use of force intervention)

On page 459-460 of the police manual (Use of Force Policy; General Order 30.3), under PROCEDURES item 10 "DUTY TO INTERVENE" (new language is **bold/underlined**):

> DUTY TO INTERVENE: Sworn employees have an obligation to protect the public and other employees. If officers witness colleagues using excessive or unnecessary force, or anticipate a colleague is about to use excessive or

[29] See page 22 of the findings by Commissioner Bowman.

> unnecessary force in any situation, they are required to immediately take action to stop any use of excessive or unnecessary force.
>
> It shall be the policy of this Department that every sworn employee present at any scene where physical force is being applied to either stop or attempt to stop another employee when force is being inappropriately applied or is no longer required. **No officer shall retaliate against any officer who stops or attempts to stop the use of perceived excessive or unnecessary force by another officer. No officer shall retaliate against any officer who reports another officer's use of excessive or unnecessary force.**

4. Restrictions on investment or employment in cannabis businesses in Brookline.

On page 34 of the police manual, under item 9 "Improper Associations" in Section 1G "Prohibited Conduct" (new language is **bold/underlined**):

> No member of the Department shall henceforth acquire any proprietary interest, either direct or indirectly, in any business which has an alcoholic **or cannabis** license issued by the Town of Brookline, nor shall any member henceforth become employed by such a business in any manner except as a police officer to perform police duties on the premises.

Explanation: Just as the manual prohibits employees from holding interests in alcohol businesses, the role of police employees in cannabis licensing creates a conflict of interest that requires their being prohibited from holding interests in cannabis businesses licensed in Brookline.

5. Social Media Policy

PURPOSE:

The purpose of this policy is to regulate the secure use of social media (i) for Brookline Police Department ("Department" or the "Department") purposes to enhance communication, collaboration, and information exchange, streamline processes, and foster productivity and (ii) for personal purposes that may impact the Department or the Town. Social media for Department purposes provides potentially valuable means of assisting the Department and its personnel in community outreach, problem-solving, investigations, crime prevention, and other related objectives.

This policy establishes the Department's position on the uses and management of social media and provides guidance on its management, administration, oversight, and risks.

I. POLICY:

A. This policy identifies potential uses of social media that may be explored as deemed reasonable and appropriate by the Chief of Police or their designee.

B. This policy provides information of a precautionary nature as well as prohibitions on the use of social media for certain purposes by Department personnel.

II. DEFINITIONS

A. **Social Media**: A category of internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Twitter, Instagram, YouTube, etc.), blogs and news sites.

B. **Social Networks**: Online platforms where users can create profiles, share information, and socialize with others using a range of technology.

C. **Post(s)**: Content an individual shares on a social media site.

D. **Department Sanctioned Use**: Use where an Officer is acting as a representative of the Department in an official law enforcement capacity.

III. OTHER CONSIDERATIONS:

A. Potential Uses

1. Social media is a valuable investigative tool when seeking evidence or information about:

   A. Missing or wanted persons;

   B. Gang participation;

   C. Crimes perpetrated online (i.e. cyberbullying);

   D. Background checks

   E. Photos or videos of a crime posted by a participant

2. Social media can be used for community outreach and engagement by:

   A. Providing crime prevention tips

B. Offering online-reporting opportunities;

C. Sharing crime maps and data; and

D. Soliciting tips about unsolved crimes.

3. Social media can be used to make time-sensitive notifications related to:

A. Road closures;

B. Special events

C. Weather emergencies, and

D. Missing or endangered persons.

4. Social media can be used as a valuable recruitment mechanism, as people often seek employment and volunteer opportunities by searching the internet and social media sites

B. Department Sanctioned Uses

1. All Department social media sites shall be approved by the Chief of Police, or their designee.

2. All Department social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

A. Content is subject to public records laws. Relevant records retention schedules also apply to social media.

B. Content must be managed, stored, and retrievable in compliance with public records laws and e-discovery laws, rules, and policies.

3. All Department social media sites should:

A. Indicate that the opinions expressed by visitors do not reflect the opinions of the Department;

B. Indicate posted comments will be monitored periodically and the Department reserves the right to remove obscenities, off-topic comments, personal attacks, and other inappropriate material.

4. Designated Department personnel representing the Department via social media outlets shall do the following:

A. Conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and proper decorum;

B. Refer to General Order 36.1 News Media Relations/Release of Official Information

C.. Not conduct political activities or private business; and

D. Observe and abide by all copyright/ trademark restrictions in posting materials.

C. Personal Use of Social Media

1. Employees should be aware that anything that they post on social media, even on a personal social media page, may reflect both on themselves personally as well as on the Brookline Police Department. Employees are reminded that anything they post that may reflect negatively on themselves or the Department could lead to disciplinary action being taken by the Department. Employees are reminded that if they identify themselves on social media as a Brookline Police Department employee, that items they choose to post are more likely to reflect on themselves and also the Department.

2. As public employees, Department personnel are cautioned that on or off-duty speech made pursuant to their official duties may not be protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume that their speech and related activity on social media sites could reflect upon their office and the Department.

3. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not reveal sensitive information about the Department's activities (e.g. facts potentially damaging to an ongoing investigation), impair working relationships for which loyalty and confidentiality are important, impede the performance of their duties, impair discipline, or amount to an abuse of authority.

4. Department personnel shall not post any material that could reasonably appear as though the poster is speaking on behalf of the Department,

unless authorized.This includes, but is not limited to, endorsements, speeches, or statements.

5. Department personnel are advised that any content from a social media site, which is downloaded to a Department owned/ issued device, is not considered private and becomes the property of the Department.

6. For the well-being of Officers, Department personnel are cautioned that social media sites are not secure, and that they should NOT:

A. Trust that conversations and postings are private;

B. Expect personal information posted to be protected;

C. Engage in activity that may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.

D. Engage in activities that may undermine their credibility in the community as fair and impartial law enforcement officers, such as posting communications reasonably seen as derogatory of, or offensive to, persons of a particular race, gender, religion, ethnic background, or other protected class;

E. Post false information that harms the reputation of another person, group, or organization (defamation);

F. Post private facts and personal information about someone without their permission that has not been previously revealed to the public, is not a legitimate public concern, and would be offensive to a reasonable person;

G. Use someone else's name, likeness, or other personal attributes without that person's permission for exploitative purposes; and

H. Post true information that is subject to federal, state, or local privacy restrictions, including without limitation the federal Health Insurance Portability and Accountability Act.

4. Changes to Police Mission Statement

Recognizing that a strong signal of values from police leadership is important to fostering a culture of accountable policing, our subcommittee recommended changing the Police Department's mission statements to better reflect community commitments and values of fair policing. While the timing constraints of the budget calendar prevented our working on this extensively, we are pleased to see some changes in how the Police Department describes itself in its statement of mission and values consistent with our feedback, including emphases on impartial, nondiscriminatory, and bias-free policing consistent with principles of procedural justice. Going forward, the Police Department might emphasize the importance of "investigating and correcting officer misconduct in order to ensure the highest levels of professionalism in policing" and "fostering a culture of peer-accountability within the Department."

Recommendations

The Subcommittee reached consensus on the following recommendations to the Select Board and to the Police Department, which are elaborated in more detail in this document:

1. That the Select Board institute a standing committee—what we have called the Police Commissioners Advisory Committee ("PCAC")—to strengthen the civilian oversight of the Police Department provided by the Select Board. As outlined in the PCAC charge included in the Appendix, the PCAC would be tasked with the following responsibilities: reviewing policing practices and policies on an ongoing basis; serving as a liaison with the public on police issues; and providing an additional layer of oversight of complaint investigations.
2. That the Select Board recommend to the Diversity Office that they create a Liaison position that would be available to assist complainants in filing complaints with the BPD and would also be able to handle some of the many responsibilities placed on the Diversity Office by various Town Meetings.
3. That the Select Board permit the Reforms Committee to continue its work to revise and update the complaint procedures by, among other changes: (a) providing additional intake options for complaints against police employees; allowing complaints to be filed online (this was a technology based change to the current Complaint procedures that was completed during the Committee's work); modifying data reporting requirements to increase transparency by providing to the public additional information about complaints, including discipline; strengthening and formalizing the mediation processes for less serious

complaints; and making other changes to increase the accessibility and readability of the complaints process.

4. That the Select Board, Police Department, Town IT, and Diversity Office approve a new survey procedure (akin to a customer satisfaction survey) for members of the public to provide feedback on civilian encounters. This would provide a more general way to obtain feedback from the public about the performance of the Police Department than relying solely on complaints and commendations, which is the current practice. We have provided an online survey form and associated procedures to pilot this suggestion; going forward, the Police Department might consider randomly sampling people who have encountered the Police Department and surveying them about their experiences.
5. That the PCAC work with the Police Department to implement new policies and procedures required by the Police Reform Law, including the requirement that "A law enforcement agency . . . develop and implement a policy and procedure for law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation."[30]
6. That the Police Department's stated mission and goals include more explicit commitments to promoting equitable services by combatting profiling and other forms of disparate treatment and to reflect "the right to bias-free professional policing" contained in the Police Reform Law.
7. That the Select Board not agree to or authorize any police contract provision that would limit the ability of the Town to impose discipline on officers for misconduct or that would impose onerous and non-transparent procedures before discipline could be imposed.[31]

[30] While the manual contains some relevant items—importantly, the use of force policy requires bystander intervention and the civilian complaints policy briefly mentions officers reporting peer misconduct—we have proposed some additions and modifications to strengthen these provisions. We applaud the Department's recent adoption of EPIC/ABLE training of all personnel to promote bystander intervention by officers.

[31] Brookline's Police Union Contract is notable for not including provisions found in many police union contracts that hinder accountability for officer misconduct. For example, the Contract retains as a Management Right the ability to provide written reprimand, suspend, demote, discharge, or otherwise discipline officers for just cause, does not provide officers accused of misconduct with special protections such as interview delays, and does not expunge the complaint records of officers or prohibit the filing of anonymous complaints.

Recommendation to the Select Board to Appoint a

POLICE COMMISSIONERS ADVISORY COMMITTEE

The **Select Board Committee on Policing Reforms** recommends that the Select Board appoint a **Police Commissioners Advisory Committee** as a permanent standing Committee of the Select Board pursuant to the following Charge:

CHARGE

There is hereby established as a permanent standing committee of the Select Board a Police Commissioners Advisory Committee (hereinafter, the "Committee") to (1) advise and assist the Select Board members in providing effective civilian oversight of the Brookline Police Department (hereinafter, "Police Department" or the "Department") in their capacities as Police Commissioners under Massachusetts General Laws Chapter 41, §97 and Brookline Bylaws Section 3.1.2.A and to (2) serve as ombudspeople and public advocates on policing issues.

The purpose of the Committee shall be to assist the Select Board on an ongoing basis to improve policing services in Brookline and to foster a more inclusive, equitable, and effective Police Department and, in so doing, promote public trust and confidence in policing in Brookline. The Committee shall also function to support and encourage the Department and its officers and civilian employees in their provision of superior service to the community in alignment with the above purposes of the Committee.

The voting members of the Committee shall consist of five civilian residents of Brookline who collectively embody a breadth of lived and professional experience and expertise regarding policing and related issues, at least one a practicing lawyer. Voting members shall be appointed by the Select Board for staggered three-year terms. The Committee shall have a chair designated by the Select Board who is knowledgeable of public sector labor law, policing issues, and the due process protections of public employees.

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

In addition to the voting members, there shall be five non-voting members. Four non-voting members shall be Town staff representing, respectively, the Office of Diversity, Inclusion, and Community Relations (hereinafter, the "Diversity Office"), 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 "Police Union"). The Diversity Office shall coordinate Town staff in assisting the Committee.

A quorum of the Committee shall be three voting members, but the Committee may act only by a vote of a majority of the five voting members of the Committee.

As soon as possible, the Committee shall adopt a written code of behavior and ethics for its members, subject to the approval of the Select Board, addressing issues including conflicts of interest, gifts and favors, integrity and objectivity, self-examination and self-development, and transparency subject to confidentiality of information as required by law or otherwise appropriate.

To the extent practicable, the Committee shall meet at least monthly or more often as necessary to achieve its goals. A public comment period shall be on the agenda of every regular meeting.

The Committee's responsibilities shall include the following:

1. Working as appropriate with BPD's Accreditation Coordinator, to study BPD policies, practices, and procedures, including to scrutinize both personnel/diversity-related funding and policies (including promotions), as well as its Mission, Values, goals, and accomplishments including in the annual Financial Plan; to formulate and advocate for equitable and effective policing policies by the Select Board; to advise them on police-related warrant articles; and to be a forum for the public to offer suggestions and concerns about police matters.

2. A full review of the BPD Policies Manual, including consideration of an integration of the below changes into the Civilian Complaint process, followed by better and more explicitly inserting language updating the Mission, Values, and in many places explicitly adding some non-exclusive factors to help guide discretionary decisions, including by discouraging unconscious bias and encouraging a welcoming atmosphere for diverse cultures and underprivileged people.

3. To hold, at least once a year, a well-publicized public hearing to present, scrutinize, and analyze the Police Department's midyear and annual data regarding use of force, civilian complaints, traffic/pedestrian stops, policy changes, any pertinent survey data, and any other matters deemed material. The hearings shall be recorded, and a transcript shall be made that shall be posted to the Committee's webpage.

4. To make recommendations to the Select Board on matters related to upcoming collective bargaining with the Police Union that impact fair and equitable policing and accountability. The foregoing is not intended to give the Committee or its members any special status in collective bargaining negotiations.

5. To (a) prepare the periodic assessment of the functioning of the police complaint procedures as required by the Civilian Complaint Policy (including, as appropriate, the

interaction between police complaint policies and other Town complaint policies) (b) prepare reports of the aforementioned public hearings and (c) make any appropriate recommendations to the Select Board based on both at a Select Board meeting following the completion of the assessment and report.

6. The Committee and/or a designated employee of the Diversity Office (the "Liaison") (hereinafter, "Committee" shall include, where appropriate, such Liaison) shall play an active and ongoing role in monitoring and providing input into civilian and other complaint cases, including, without limitation, the following responsibilities:

   i. Receive complaints directly from members of the public either via an email address monitored by the Liaison or in-person at the Diversity Office and promptly transmit them to the Police Department's Office of Professional Responsibility (hereinafter, the "OPR") and Select Board along with any observations or recommendations on issues including but not limited to the class designation(s) of the complaint in accordance with the complaint procedure.
   ii. The Liaison may (a) assist the complainant to the extent the latter permits throughout the life of the complaint, including from intake to any appeal; (b) attend the complainant's and all witness interviews, (c) be permitted to ask some follow up questions at them, (d) review all pertinent tapes or documentary evidence, and (e) discuss with OPR all factual and disposition opinions (including as to credibility), with the option of dissenting or adding other comments — all as stated in the soon-revised Civilian Complaint Policy.
   iii. Refer, as appropriate after consultation with the Human Resources Department, complaints to the Human Resources Department for review under the Town's Discrimination, Retaliation, and Harassment policy.[32]
   iv. Institute, maintain, and review systems for informing the public about methods for submitting complaints or commendations about police officers' actions.
   v. Institute and maintain a system to receive feedback from complainants or persons submitting commendations; analyze such feedback; and report findings to the Select Board when appropriate.
   vi. After the Police Chief's review and report, review the investigatory reports of the OPR on all complaints (civilian-initiated or otherwise) against police officers and any reports of the Liaison. The review shall include, but is not limited to, evaluations of the following items: the classification of the complaint, timeliness of the investigation, completeness of the investigation (including documentation of all relevant records), interviews of any witnesses, and weighing of evidence.
   vii. After such review, the Committee may (a) adopt the conclusions and findings of the report, (b) refer the report back to the OPR for further consideration of specific concerns; if the OPR disagrees with the cited concerns, the OPR and

[32] There is some ambiguity as to how different Town complaints processes interface with one another. The PCAC will need to work with Town staff to determine and codify the criteria and processes for appropriately directing complainants,

the Committee shall report their respective views to the Select Board, (c) in an allegation of serious misconduct (especially an allegation of a civil rights violation, corruption, excessive force, false arrest, or unlawful detention), the Committee should make a recommendation to the Select Board on whether the Select Board should retain an external investigator to supplement the OPR investigation; and/or (d) not adopt the report and report any and all of the respective views to the Select Board, including as to any possible appeal, as follows below:

viii. In the case of a civilian complaint, the Liaison shall explain to the complainant the appeal process and assist in the submission of an appeal to the Select Board pursuant to the Civilian Complaint Policy provided the complainant desires to appeal; if the complainant declines to appeal, the Committee shall submit to the Select Board the Committee's reasons for not adopting the report and the OPR shall submit its report to the Select Board. After the Committee submits all reports to the Select Board pursuant to the foregoing, the Chair of the Select Board shall review them and consult with the Town Administrator on what actions, if any, the Select Board should consider pursuant to the Civilian Complaint Policy and present any options to the Select Board in executive session, if permitted by the Open Meeting Law.

ix. In an appropriate case as stipulated in the Complaints Policy, a member of the Committee may serve as a mediator for a complainant and the employee or officer who is the subject of the complaint.

x. In the absence of a designated Liaison from the Diversity Office to assist complainants, the Committee shall establish a procedure by which each complaint will be received and reviewed by a single Committee member, or by another alternative the Committee shall soon discuss and enact such a Human Resources employee, who shall assist the complainant and not be involved in any further action on that complaint other than reporting their findings to the full Committee.

8. The Committee shall work with the Police Department's Training officer to review and understand the Police Department's training programs and, if necessary, consult with outside experts, for the purpose of making recommendations to the Select Board to improve and make more effective the training of police officers.

9. Members of the Committee, with the approval of the Select Board, may attend training sessions for police officers that are relevant to the Committee's work in order to better understand the training, provided that civilians are permitted to attend, and that, in the opinion of the Police Chief or the Department's Training officer, the presence of Committee members will not disrupt or detract from the nature or purpose of the training.

10. The Committee shall conduct periodic confidential interviews and/or surveys of officers and civilian employees of the Police Department who volunteer to describe their experiences and offer suggestions for improving the Police Department. The

Committee shall include in its reports to the Select Board any recommendations based on such research.

11. The Committee shall annually review its work over the past year and report to the Select Board on such review, which report shall include any recommended changes, additions, or deletions to this Charge.

EXPLANATION[33]

The Final Report of President Obama's Task Force on 21st Century Policing notes that "Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community" (26). Under Massachusetts General Laws Chapter 41, §97, the Select Board is empowered to "make suitable regulations governing the police department and the officers thereof."[34] Brookline General Bylaw Section 3.1.2.A has formalized the Select Board's civilian oversight role by giving members the title "Police Commissioners." In principle, Brookline has a very strong version of civilian oversight: five directly elected civilians in the Select Board have broad powers, including the final authority to hire, fire, promote, and suspend police personnel and implement police policies. In practice, however, the Select Board has seldom exercised the full range of its civilian oversight powers with myriad other responsibilities competing for its attention.

To strengthen the Select Board members in carrying out their responsibilities as Police Commissioners in providing effective civilian oversight over the Police Department, we recommend a standing committee of civilians tasked with providing ongoing monitoring and input into police policies, acting as liaison between the public and the police, and providing independent review of internal complaints investigations. This group would be called the Police Commissioners Advisory Committee (PCAC). The PCAC combines a reactive "review" model of civilian oversight (monitoring complaints of police misconduct) with a proactive "auditing" of police policies and procedures.

The current civilian complaints process engages with the Select Board in three ways. First, the Select Board is the body which hears and reviews *de novo* those complaints that civilians or officers appeal for further consideration once presented to them by the

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[33] Some PCR members are inclined to propose this Committee to begin as soon as possible to begin implementing proposed reforms, especially to the Civilian Complaints Policy. At least one PCR member seeks to codify the PCAC as a brief By-Law after the Police Commissioner By-Law.

[34] There are two versions of the MA General Laws regarding the establishment of Police Departments (§97 and §97A). In 1921, Brookline adopted §97, which gives less authority to the police chief and more authority to the Select Board, and reads in part as follows: "In towns which accept this section ... 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 … and the Selectmen may remove such chief or other officers for cause ... The Selectmen may make suitable regulations governing the police department and the officers thereof…" See also Chief of Police v. Westford, 365 Mass. 526, 530-31 (1974) ("[T]he primary control of the police department is in the chief of police under §97A and in the Selectmen under §97. ... [T]he Legislature … has given towns the alternatives of a 'strong' chief, a 'weak' chief, or no chief at all...")

Town Administrator. Second, the Select Board with consultation of the Police Chief appoints two civilians to perform a biennial assessment of the complaints process. Third, the Select Board is tasked with ensuring the creation of a plan to educate the public about the civilian complaints process.

In each of these roles, the Select Board's performance would be enhanced by the creation of the PCAC. The Select Board has not always heard appeals that were filed, as noted by the 2017 review of the complaints policy; the investigation of one complaint was appealed by both the civilian and the officer involved, but the Select Board did not schedule a hearing on either appeals. The biennial assessment of the complaints process has only happened twice since 2009.[35] The 2017 review was presented to the Select Board on June 4, 2019 and accepted by the Select Board on October 15, 2019 but the recommendations to revise the Complaint Policy were never voted by the Select Board.[36] Regarding public education, it is not clear what actions the Select Board has taken to carry out public education on the complaints process, though the 2017 report mentions some ways to improve this process. The PCAC members could assist the busy Select Board in carrying out these responsibilities – as well as reviewing police practices more generally – in the same way that various other advisory boards assist and report to the Select Board (e.g. the Housing Advisory Board, Economic Development Advisory Board, and Building Commission). While the Select Board maintains formal policymaking authority, it tends to defer to its dedicated appointees.

Moreover, the PCAC would provide an additional layer of scrutiny to the internal investigations of complaints, providing a "check and balance" on the complaint process. The PCAC would be empowered to review all internal investigations *while they are live* (unlike some other communities, where civilian oversight boards only access the internal investigations after those investigations have been closed). If a majority of PCAC members find an investigation to be deficient, it can refer the complaint back to the IAO for further work; if that is insufficient, the PCAC can recommend that the Select Board take additional action to resolve the complaint, such as hiring an external investigator. The PCAC is also charged with referring suitable complaints to the Human Resources Department for investigation under its Harassment, Discrimination, and Retaliation complaint policy, though how these processes interface with one another is ambiguous and requires some sorting out by the PCAC and Departments.

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[35] The delay was explained as follows in the Select Board minutes for June 4, 2019: "Lt. Campbell responded that there were a number of circumstances causing the delay, former Chief O'Leary took a [medical] leave of absence; I was on leave of absence and the difficulty in getting people to assist in the process, hopefully we will keep this on track." The review period for both periodic assessments was extended to include all prior cases and years that had not yet been studied.

[36] The 2017 review was presented to the Select Board on June 4, 2019 by Bobbie Knable and Kelly Race. Objections to the scope of the review and its methodology were raised by a Select Board member. Because scope and methodology was defined by the terms of the periodic assessment required by the policy, the Chair of the Select Board suggested that they take further comments and revise the policy, including the section requiring a periodic assessment in order to better define the proper scope of the review. On October 15, 2019 the Select Board voted 4-1 to accept the Knable/Race review of the complaint process. The Complaint Policy was not voted. The Policing Reforms Committee's Subcommittee on Accountability took up the review and revision of the Complaint Policy. Its recommendations will be part of the Committee's recommendations to the Select Board.

This proposal does not, however, displace the investigation of police complaints from the Police Department by shifting investigations to an external agency. There are two immediate reasons for this. First, Town Counsel advised us that moving the investigation of complaints outside the Police Department would require collective bargaining with the Police Union – it would remove work from the bargaining unit and might constitute a substantial change in working conditions for police employees. As a result, such a change can only be implemented when the Police Union contract is renegotiated. Second, the relatively low volume of complaints (2 in 2020, 8 in 2019, 2 in 2018, and 2 in 2017) makes it difficult to justify the expense of hiring an external investigator, as civil rights attorney Howard Friedman told us. There are also some substantive reasons for keeping this function in the Police Department. Some scholars, such as Northeastern University Professor Jack McDevitt in his discussion with us, suggest that eliminating the adjudication of complaints from the Police Department hinders accountability by letting the Department off the hook for correcting misconduct. "Without responsibility to adjudicate wrongdoing and impose discipline, … senior executives in the law enforcement agency cannot be held personally accountable for dealing with police misconduct..."[37]

Importantly, the PCAC's responsibilities are not limited to reactively monitoring complaints. The group would also, on an ongoing basis, review and audit the formal and informal police department policies and practices and recommend changes to those policies for the Select Board (as Police Commissioners) to implement; assist the Select Board in determining collective bargaining priorities with the Police Union (including, as desired, replacing the investigation of police complaints with an external investigator); hold regular public hearings to hear from the public about police issues and to present information about stops, arrests, complaints, and other data pertinent to the Police Department; study police training practices; and interview Police Department employees to hear about their concerns and suggestions for improvement. To effectively carry out these functions, the PCAC would be assisted by non-voting representatives from Town Counsel, the Office of Diversity, Human Resources Department, and the Police Department. There would also be a non-voting Police Union representative.

The PCAC attempts to achieve civilian oversight that is tailored to Brookline by leveraging its strong tradition of volunteerism to make its Town structure work effectively. The Select Board has ample legal authority to oversee the Police Department, but it lacks the skills, expertise, and dedication of volunteers that would give life to these powers.

[37] Bobb, Merrick. "Civilian oversight of the police in the United States." St. Louis U. Pub. L. Rev. 22 (2003): 151.

Subcommittee on Civil Rights, Military Equipment, and Mass Events

Outline of Contents

I. Introduction
II. Officer Racial Profiling - traffic stops, field interrogations, and arrests
III. Civilian Racial Profiling - suspicious person calls
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V. Arrests and Use of Diversion
VI. No-Knock Warrants

Recommendations

Supporting Documents and Materials in Appendix C to the Report

1. Introduction.

The members of the subcommittee are Paul Yee, Chair, Bernard Greene, Casey Hatchett, Martin Rosenthal and Non-voting member: Retired (1995-2018) Brookline Police Chief Daniel O'Leary

The Civil Rights, Military Equipment and Mass Events Subcommittee is one of five subcommittees of the Select Board's Committee on Policing Reforms and is charged with the following, in each instance proposing either specific reforms or issues needing further reform by the proposed Police Commissioners Advisory Committee (hereinafter "PCAC")

A. Officer Racial Profiling

1. Define racial profiling/disparities in the Brookline context;
2. Examine data to determine the extent of racial profiling/disparities in traffic stops, field interrogations, and arrests;
3. Examine current supervisory procedures that monitor for racial profiling/disparities and recommend procedures to reduce its incidence.

B. Civilian Racial Profiling.

1. Examine data on civilian calls to determine incidence of calls based on racial bias by the caller - e.g., suspicious person calls;
2. Recommend dispatcher practices that control the negative impact of such calls.

C. Examine the report of the Town's Surveillance Technology Military Type Study Committee as it relates to military equipment acquired and utilized by the BPD[38]
D. Review mutual aid agreements and command and control procedures for mass events, demonstrations, etc. including BPD's specialized units
E. Review and examine arrests and use of diversion
F. Review and examine the Brookline Police Department use of no knock warrants

This Subcommittee met seven times. The subcommittee reviewed public information available on the Town of Brookline Police Department website.

The website contains information such as Annual Reports with crime statistics and analysis, the Manual with the Policies and Procedures, Rules and Regulations last revised by the Select Board in 2017, Year End Racial Disparities Report, and Year End Race and Gender Reports. The subcommittee also received information and data from the BPD through Retired Chief O'Leary and Sgt. Casey Hatchett and other members of the Select Board's Committee on Policing Reforms, as well as presentations and data provided at the meetings of the Task Force to Reimagine Policing[39]. Some of the key information and data that the subcommittee looked at and relied upon are attached as Appendix C.

The subcommittee, and indeed the full PRC, takes very seriously the issue of profiling (as defined *infra*), which is at odds with our community's values, and which the BPD has taken seriously now for four decades, and which is endemic in American communities. While we may never be able to entirely eliminate unconscious bias, we need to keep striving to keep reducing its impact here, especially when such an effort would increase community support for the BPD and improve public safety. Every single incident when a person of color is inappropriately confronted, stopped, questioned, cited, searched, or arrested is not just a serious affront to that person, but an affront to the Brookline community. And, to the extent such incidents tarnish Brookline's image to those who might otherwise want to come or live here, our community suffers. BPD has been making serious efforts to reduce disparate treatment since 1987, especially since 1997 under Chief O'Leary. Yet, we still have some disparities, and need to keep improving those efforts.

The landscape of police reform has been and will be changing with "An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth" [Chapter. 253 of the Acts of 2020 (hereinafter the "Police Reform Law")] signed by Governor Baker on December 31, 2020. Portions of the Police Reform Law will take effect in normal course after ninety days; and some portions will take effect on July 1, September 1 and December 1, 2021. Some provisions of the 2020 Act will require promulgation of rules and regulations in the Code of Massachusetts Regulations (CMR)

[38] That report was reviewed, and suggested comments and recommendations were provided to the Surveillance Committee to be incorporated in that report.
[39] The data presented in this report is current to year end 2020, at the time when this report was written in February 2021.

by various state agencies, whether new or existing[40]. The Police Reform Law also authorizes studies and commissions to consider additional legislation in the future.

Members of this Subcommittee contributed to the report, and others wrote reports which are also attached.

II. OFFICER RACIAL PROFILING

In Massachusetts racial profiling has been defined as "the practice of detaining [or stopping] a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." Racial profiling "is generally understood to mean the improper use of race as a basis for taking law enforcement action." In the context of traffic enforcement, officers who engage inracial profiling "utilize impermissible racial classifications in determining [which motorists] to stop, detain, and search.

Pretextual stops have also been declared illegal. "Of course, a traffic stop motivated by race is unconstitutional, even if the officer also was motivated by the legitimate purpose of enforcing the traffic laws."[41] However, as discussed in Long, most state appellate courts and the Supreme Court have declined to adopt the proposition of suppression of evidence -- the primary deterrent or sanction for pretextual stops, so long as a traffic violation and stop is proven to be objectively reasonable under the federal or state constitutions. See also Santana, infra, as well as Whren v. United States, 517 U.S. 806, 813 (1996). Thus, the illegality of pretextual stops would be viewed as largely a “right without a remedy.”[42]

Further, the Police Reform Law prohibits racial profiling by adding Section 63(h) of Chapter 90: “A law enforcement agency, as defined in section 1 of chapter 6E, shall not engage in racial or other profiling.” ‘For the purposes of this subsection, “racial or other profiling”shall mean differential treatment by a law enforcement officer based on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, gender, gender identity or sexual orientation in conducting a law enforcement

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[40] It will be necessary for the Select Board, assisted soon as we urge, by the new PCAC, to review and adopt many revisions to the Manual to be consistent and compliant with the 2020 Act and any promulgated regulations, as well as many of our general recommendations

[41] Commonwealth v. Long, 485 Mass. 711, ___(2020) (loosening somewhat the hurdles for obtaining and then using statistics to raise a prima facie suggestion of impermissible profiling) .

[42] See in Long the concurring opinion of (since elevated to Chief) Justice BUDD (concurring, with Lenk, J.): In the twenty-five years since deciding Santana, the court has not examined the art. 14 implications of the pretextual stops that are legitimized by the authorization test. Given the opportunity to broaden the options available to combat racial profiling, it is disappointing that the court is willing to stand behind a rule that allows for pretextual stops without considering whether, and how, such stops are reasonable from an art. 14 standpoint. See Amado, 474 Mass. at 151 n.4 (pretextual stops, "though lawful under our current jurisprudence, implicate important policy concerns about racial profiling in encounters between the police and persons of color"); Lora, 451 Mass. at 447 (Ireland, J., concurring), quoting Feyenord, 445 Mass. at 87 (Greaney, J., concurring) ("I repeat the observation of Justice Greaney that poorer citizens, who likely would include minorities, are more likely to be 'driving vehicles with defective equipment,' thus providing police with a legitimate reason to exercise discretion to stop them").

action, whether intentional or evidenced by statistically-significant data showing disparate treatment; provided, however, that "racial or other profiling" shall not include the use of such characteristics, in combination with other factors, to apprehend a specific suspect based on a description that is individualized, timely and reliable.'

The Police Reform Law also declares: "All persons shall have the right to bias-free professional policing."[43] "Bias-free policing", is defined[44] as "policing decisions made by and conduct of law enforcement officers that shall not consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level. This definition shall include policing decisions made by or conduct of law enforcement officers that: (1) are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or (2) consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level because such factors are an element of a crime."

REVIEW OF POLICIES AND DATA

A. TRAFFIC STOPS

1. POLICIES FOR TRAFFIC ENFORCEMENT

The stop data should be reviewed in context of the policies, rules and regulations under which the BPD operates, and what the officers follow in carrying out their traffic enforcement. The BPD Manual in Section 3 under Traffic Enforcement/Investigation/Control (General Order Number: 26.1) provides guidance and specifics for traffic enforcement. "The ultimate objective of enforcement is to favorably alter the violator's future driving behavior, thus fostering a climate of safe driving throughout the community." "To ensure maximum reduction of accidents, enforcement pressure should be applied in proportion to the needs of the locations, and at the hours of greatest accident expectancy. Traffic laws will be enforced at a level sufficient to ensure the safe and expeditious movement of traffic."[45]

The Manual explains how the BPD deploys traffic enforcement: "The deployment of patrol and traffic unit personnel will be based on an analysis of traffic accidents and traffic-related services." "Assignment of traffic enforcement personnel will be based on

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[43] Section 37 of the Act amends chapter 12 of the General Laws section 11H of which section 11H(b) is a part.

[44] Section 30 of Ch. 253 of the Acts of 2020 inserted an entire new chapter 6E to establish the new Massachusetts Peace Officer Standards and Training Commission (hereinafter "POST") . Section 1 has the definition of "bias-free policing".

[45] Lack of sufficient traffic enforcement may, also, subject the Town to civil liability under some circumstances. See Irwin v. Town of Ware, 392 Mass.745, 759 (1984)(a municipality may be liable for personal injuries to a member of the public in case of a police officer's failure to remove a drunk driver from the roadway, since "there are statutes requiring police officers to act. A police officer must, at least, issue a record upon a citation for each automobile law violation. G. L. c. 90C, Section 2."

principles of selective enforcement. Resources will be directed toward specific violations, in specific locations. Enforcement efforts shall be evaluated to ensure that enforcement action is reducing accidents"[46]

The Manual generally tells officers how to conduct a motor vehicle stop[47] and interact with a motorist, necessarily including use of discretion after the stop to give a verbal warning, written warning, or citation according to the criteria in the Manual.

The Manual provides specific guidance when a verbal warning may be appropriate where the driver may be ignorant or unaware of the situation. The Manual provides the officer with two examples but cautions a written warning is preferable. The officer must fill out a Traffic Contact Form in case of a verbal warning.

One instance for a verbal warning is a rolling stop at a stop sign where there is no safety issue, and the violator was unaware such a rolling stop is not permitted in Massachusetts. Another example is defective equipment such as an unlit license plate, where the violator may be unaware of it. Another example occurs when the violator commits an act, which may be due to ignorance of a particular law.

Written warnings are appropriate for minor infractions where the infraction is not egregious, and education of the driver would be preferable, according to the Manual. The Manual cautions against "the excessive use of warnings", "since it could create a feeling of lack of commitment by the police department to enforce motor vehicle safety within the community."

The Manual provides specific criteria for the use of discretion to issue a citation. "An officer's discretion plays a big part in the decision to take punitive action against a violator. However, this discretion should be based on a combination of experience, training, and common sense. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations (multiple violations consist of infractions listed on the same citation), violations of new laws and/or regulations, and operating unsafe and/or improperly equipped vehicles."

In case of certain motor vehicle laws such as driving after license revocation or suspension, the law gives the officer the power to arrest the driver and requires an officer to arrest i.e. after license suspension for drunk driving. The Manual also sets forth criteria for the use of discretion where arrest is not statutorily mandated.

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[46] Some selectivity or discretion in enforcement of the law is permissible, as long as it is not based on some unjustifiable classification like race. Commonwealth v. Long, supra.

[47] "It is well established that where the police have observed a traffic or motor vehicle law violation, they may pull over the automobile. Commonwealth v. Santana, 420 Mass. 205, 207 (1995). "[P]robable cause is the proper standard to justify the issuance of a citation or warning for a violation of the seat belt law, G.L. c. 90, § 13A", since "issuance of a citation is more like an arrest than it is like an investigatory traffic stop". Commonwealth v. Washington, 459 Mass. 32, 38-30 (2011).

The officer is provided with discretion in offenses relating to license revocation or suspension to issue a criminal citation or summons instead of making an arrest. An example within the criteria in the Manual would be young children traveling with the driver. Such discretion lessens the impact on a driver especially where the reason for license loss or revocation may be economically based i.e. failure to pay parking tickets or court defaults for failure to pay court fees or fines.

The Manual directs the officers not to give preference to local residents or non-residents but to be consistent and uniform in traffic enforcement[48]. In the Civil Rights section of the Manual, discriminatory enforcement is prohibited: "No officer shall conduct a traffic stop, field interview, asset forfeiture, or seizure of any person when such action is based solely on that person's race, ethnicity, age, gender identity, sexual orientation, religion, economic status, cultural group, or other identifiable group affiliation."

2. TRAFFIC STOP DATA

The available traffic stop data with the most detail were from 2018 through 2020. For enforcement data, in 2018, the Brookline Police Department issued 9,271 moving violations, and in 2019 13,745 moving violations[49]. In 2020, as a direct result of COVID and the extended period of lockdown, significantly less moving violations were issued (with 3,400 issued, which is down 75% from 2019).

The chart below is a compilation of the types of traffic stops by violation type, which totaled over 100[50] for 2018 & 2019. In the chart, the moving violations are added together first and then the nonmoving violations next. Stops for violations totaling less than 100 are not on this summary.

[48] See Manual, Traffic Enforcement, p.6.
[49] 2019 Annual Report p.16-17. According to the Annual Report, the increase in the number of violations in 2019 is due to BPD's addition of a new class of officers.
[50] Appendix 1.

Over 100 Violations	2018	% of violations	2019	% of violations
failure to stop at intersection/flashing red light (c. 89-9)	3900	45.79%	5022	38.53%
failure to take precaution for other on road e.g. school bus, trolley or bicyclist (c. 90-14)	1393	16.36%	1601	12.28%
turning on red signal, right-of.way at intersecting ways (c. 89-8)	801	9.40%	974	7.47%
speeding (c. 90-17)	514	6.03%	1087	8.34%
texting while driving (c. 90-13B)	0	0	1058	8.12%
Brookline special speed limit (c. 90-18)	461	5.41%	833	6.39%
failure to keep in single lane (c. 89-4A)	426	5.00%	516	3.96%
using device to interfere with proper driving (c. 90-13)	0	0.00%	468	3.59%
failure to yield to pedestrian in crosswalk (c. 89-11)	204	2.40%	231	1.77%
subtotal	7699	90.40%	11790	90.46%
inspection sticker (c. 90-20)	439	5.15%	603	4.63%
equipment violation (c. 90-7)	379	4.45%	505	3.87%
unreg (c. 90-9)	0		135	1.04%
subtotal	818	9.60%	1243	9.54%
TOTAL	**8517**		**13033**	

Summary of violations cited over 100 times by BPD from Traffic Division Offenses by Race-Disposition for 2018 and 2019 spreadsheet.

For the 2018 and 2019 violations issued for defective equipment under M.G.L. c. 90 §7, the BPD provided racial background data. The data show that over 90% of all drivers were usually issued a warning, More White drivers were stopped than Black, Asian/Pacific Islander, Middleastern/East Indian, and Spanish/Latino.

2018						
90-7/DEFECTIVE EQUIP	Arrest	Civil Infraction	Criminal Application/Court	Void	Warning	TOTAL
Asian/Pacific Islander		2			29	31
Black	2	5	2	1	98	108
Middleastern/East Indian		1			35	36
Spanish/Latino	1	2	1		40	44
Unknown		1			4	5
White	2	6			188	196
TOTAL	5	17	3	1	394	420

2018						
90-7/DEFECTIVE EQUIP	Arrest	Civil Infraction	Criminal Application/Court	Void	Warning	TOTAL
Asian/Pacific Islander	0.00%	6.45%	0.00%		93.55%	31
Black	1.85%	4.63%	1.85%		90.74%	108
Middleastern/East Indian	0.00%	2.78%	0.00%		97.22%	36
Spanish/Latino	2.27%	4.55%	2.27%		90.91%	44
Unknown	0.00%	20.00%	0.00%		80.00%	5
White	1.02%	3.06%	0.00%		95.92%	196
TOTAL	1.19%	4.05%	0.71%		93.81%	420

2019					
90-7/DEFECTIVE EQUIP	Arrest	Civil Infraction	Criminal Application/Court	Warning	TOTAL
Asian/Pacific Islander	1	3		47	50
Black	3	3	4	147	157
Middleastern/East Indian	1	2		35	38
Spanish/Latino		4	3	64	71
Unknown				3	4
White		6	2	231	239
TOTAL	5	18	9	527	559

2019					
90-7/DEFECTIVE EQUIP	Arrest	Civil Infraction	Criminal Application/Court	Warning	TOTAL
Asian/Pacific Islander	2.00%	6.00%	0.00%	94.00%	50
Black	1.91%	1.91%	2.55%	93.63%	157
Middleastern/East Indian	2.63%	5.26%	0.00%	92.11%	38
Spanish/Latino	0.00%	5.63%	4.23%	90.14%	71
Unknown	0.00%	0.00%	0.00%	75.00%	4
White	0.00%	2.51%	0.84%	96.65%	239
TOTAL	0.89%	3.22%	1.61%	94.28%	559

Summary of defective equipment violation only cited over 100 times by BPD from Traffic Division Offenses by Race-Disposition for 2018 and 2019 spreadsheet.

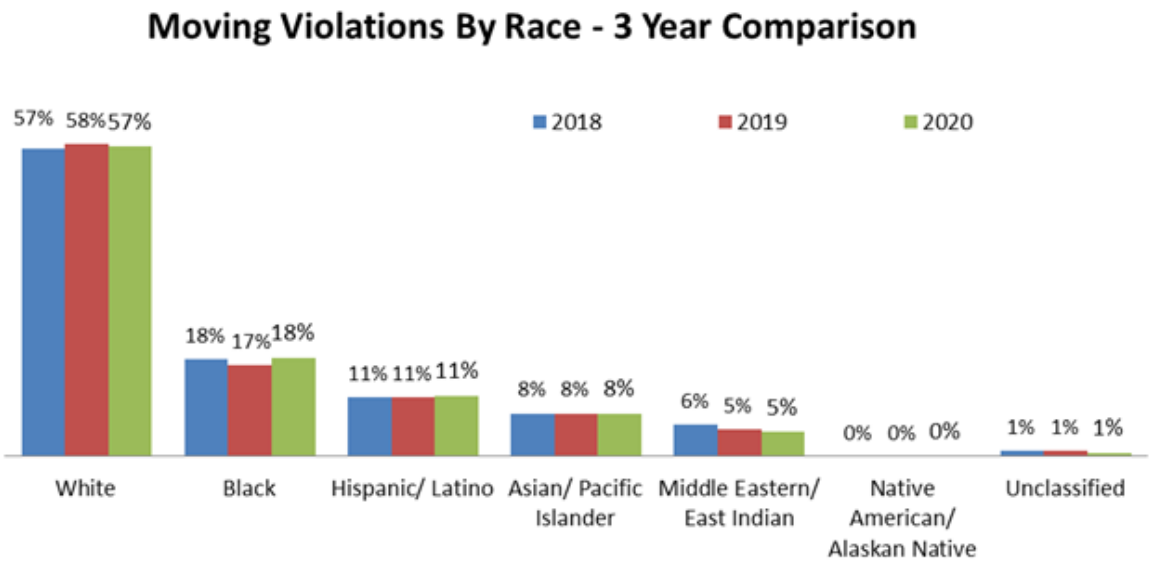
The BPD produced 2018 and 2019 data relating to the citations issued related to the locations where motor vehicle accidents with other motorists, pedestrians or bicyclists occurred[51]. The 2018 data showed the concentration of enforcement where numerous motor vehicle accidents with other motorists, pedestrians or bicyclists occurred.

According to the 2019 Year End Review, there were 1,270 traffic crashes. The 2019 data showed the locations with the most accidents and the large number of traffic citations issued in those areas.

These comparisons appear to show the BPD is applying the principles of intelligent traffic enforcement, focusing efforts where it is needed according to the policies, rules and regulations set forth in the Manual.

Next, the racial background of the stopped drivers for 2018 through 2020 remain somewhat constant: 57-58% for White, 18-17% for Black, 11% for Hispanic/Latino, 8% for Asian Pacific Islander, 6-5% for Middle Eastern/East Indian and 0% for Native American/Alaskan Native, The respective percentages of the racial composition of the drivers in 2017 were similar.

[51] See Appendix 5-16.



3 Year Comparison by Race by BPD from 2019 Year End Review, p. 17.

In 2020, there were 3,400 traffic stops with the following racial composition.

2020 Moving Violations/Citations				
Race			**Gender**	
White	1,953		Male	2013
Black	621		Female	1,374
Hispanic/Latino	380		Unidentified	13
Asian/ Pacific Islander	268			
Middle Eastern/ East Indian	155			
Native American/Alaskan Native	0			
Unclassified	23			
Total:	3,400		**Total**:	3,400

2020 moving violation data with racial background by BPD.

Of the motorists issued moving violations in 2020, 57.44% were identified as White, 18.26% were identified as Black, 7.88% were identified as Asian/Pacific Islander, 11.18% were identified as Hispanic/Latino, 4.56% were identified as Middle Eastern/East Indian, and none were identified as Native American/Alaskan Native. These percentages were consistent with the prior years (2017, 2018 and 2019).

Recent BPD Citations for 2020 showed that 86% of the drivers cited were nonresidents, and only about 14% were residents[52].

Brookline Resident	Arrest	Civil Infraction	Criminal Application/Court	Void	Warning	Grand Total
No	22	461	35	5	2,392	2,915
Unknown				3	1	4
Yes	1	66	5	2	407	481
Grand Total	**23**	**527**	**40**	**10**	**2,800**	**3,400**

Brookline Resident	Arrest	Civil Infraction	Criminal Application/Court	Void	Warning	Grand Total
No	0.75%	15.81%	1.20%	0.17%	82.06%	2,915
Unknown	0.00%	0.00%	0.00%	75.00%	25.00%	4
Yes	0.21%	13.72%	1.04%	0.42%	84.62%	481
Grand Total	**0.68%**	**15.50%**	**1.18%**	**0.29%**	**82.35%**	**3,400**

Citations by Residency by BPD for 2020

[52]Prior to 2020, the racial breakdown of nonresidents and residents for traffic stops were not captured unlike field interrogations and arrests.

Non-Brookline Resident	Total	Arrest	Civil Infraction	Criminal Application/Court	Void	Warning
Asian/Pacific Islander	204		32	4		168
Black	606	14	99	9	4	480
Middleastern/East Indian	130		20	2		108
Spanish/Latino	368	4	77	6		281
Unknown	18		2	2		14
White	1,589	4	231	12	1	1,341
Total	**2,915**	**22**	**461**	**35**	**5**	**2,392**

Brookline Resident	Total	Arrest	Civil Infraction	Criminal Application/Court	Void	Warning
Asian/Pacific Islander	64		12	2	1	49
Black	15					15
Middleastern/East Indian	25		7			18
Spanish/Latino	11		3			8
Unknown	2					2
White	364	1	44	3	1	315
Total	**481**	**1**	**66**	**5**	**2**	**407**

Citation Disposition By Race Residence by BPD for 2020

The racial background of the non resident motorists issued citations in 2020 was as follows: 54.5% were White, 20.8% were Black, 7% were Asian/Pacific Islander, 12.6% were Spanish/Latino, and 4.5% were Middle Eastern/East Indian. The racial background of the resident motorists was as follows: 75.7% were White, 3.1% were Black, 13.3% were Asian/Pacific Islander, 2.3% were Spanish/Latino, and 5.2% were Middle Eastern/East Indian.

Next, the statistical approach to review the data is by comparing (1) information about how the statute was enforced against other drivers of the defendant's race by the officers or department in question, often involving numbers of stops, citations, and FIOs for drivers of specific races (enforcement data); and (2) statistical data that estimate the demographic distribution of drivers on the roads in the area of the stop ("benchmark" data). The two are then compared, under the assumption that, absent impermissible discrimination, the enforcement rates should reflect the demographic composition of all drivers.[53]

[53] Commonwealth v. Long, supra.

The racial composition of Brookline's resident population is not the same as the driver population which may be subjected to a traffic stop. A benchmark is needed to compare the percentage of Black versus White stops to the relevant percentages of such drivers coming through Brookline along the routes where stops are occurring. The Brookline Transportation Department's traffic mapping showed Brookline as a regional entry/exit point during the morning and evening commute time. Drivers are going through Brookline from and to surrounding communities of Allston/Brighton, Cambridge, Newton, West Roxbury, Boston, Roxbury and Mission Hill which would have different racial demographics. The Transportation Department reports the average daily peak volume for 2019 was 26,024 (61%) entering via Newton per day and 16,618 (39%) entering via Boston per day.

The BPD data, however, shows in 2019, about twenty-two percent (22%) of the traffic stops occurred between midnight and 2 am.[54] Midnight to 1 am time period accounts for 14% or 841 of the stops, while the hours between 1 am to 2 am account for 8% or 441 of the stops in Brookline. The remaining 78% of the traffic stops are spread over the time period between 2 am to 11 pm. The BPD does not have readily available data on the racial background of drivers by the time of day stopped. As a result, the Brookline Transportation Department's data based on commute time traffic, is not based on the time periods, when the BPD is actually conducting traffic enforcement. Any guess-estimate of the driver population based on the two periods of commute time would be inaccurate and should not be used as a proxy for benchmarking in data comparison.

There is no agreement on the most accurate benchmark data to determine the estimate for the racial composition of drivers on the roads in an area; but it is certain that the Transportation Department's data, while appreciated as the only recent data, simply has

[54] Traffic stop breakdown by day of the week and time for 2019 by BPD's computer aided dispatch (CAD) system. Officers notified dispatch that they are called off on traffic stops 5871 times (which is a little less than half of all stops). These figures do not include all of the stops. Appendix 16A (2019) similar to 2018 in Appendix 16B. These percentages are an indirect indication of the number of traffic stops at night.

not the accuracy we really need for this crucial issue.[55]. The authors of the Massachusetts Traffic Stop Benchmark Analysis (2008)[56] -- hereinafter "Benchmark Analysis (2008)" -- recommend "using multiple benchmarks as part of an ongoing practice of monitoring the racial demographics of traffic enforcement and sharing these analyses with the community" -- and then used one of the two most accepted methods, drivers' ethnic data from car crash/accidents reports.

"Researchers have tried using census data and modified census data but these measures tend to only reflect the demographics of people who live in a community not necessarily those who drive through a community." In some communities, the census population is the least accurate measure of the driver population[57]. Other than the car crash data, it may be that what's sometimes called a "windshield study, "[t]he best method appears to be having trained observers actually record drivers traveling through particular communities at various locations and times, however observations generally are expensive and time consuming to collect,"

The BPD has the aforementioned daytime observational driver population crash data from 2008 showing whether the races of drivers from traffic crash data were sufficiently similar to the races from roadway observations to be a proxy for driver population estimates [58]. The Brookline daytime observations[59] showed: 76.1% for White, 11.2% for Black, 4.1% for Hispanic/Latino, 6.6% for Asian Pacific Islander, 1.8% for Middle Eastern/East Indian.

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[55] Pryor and Goff of the Center for Policing Equity, Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities, VIII Analyzing the Data, p. 30-31 (2020).

[56] App. 17-77. In 2008, Brookline (by then Chief O'Leary) volunteered to be one of eight municipalities in a study by Prof. McDevitt who along with Amy Farrell had conducted a car crash/observational study, thus updating the benchmark numbers (the denominator) for profiling data.

[57] Benchmark Analysis (2008), p. i, See also the Lora decision supra.

[58] Benchmark Analysis (2008), which found the Brookline driving population estimates from the daytime observation and all time crash data from August 1, 2007 to March 30, 2008 were as follows: 76.1% for White, 5.9% for Black, 5.6% for Hispanic/Latino, 10% for Asian Pacific Islander, 2-4% for Middle Eastern/East Indian. The study found that for certain racial groups there were insufficient crash data to have a reliable driver population estimate.

[59] The observations were done in February through May 2008 from 8 am -6 pm. when the race and gender of the driver could be seen. There were no night time observations.

The racial background of the drivers stopped in the daytime and night time in Brookline for 2018 and 2019 were as follows: 57-58% for White, 18-17% for Black, 11% for Hispanic/Latino, 8% for Asian Pacific Islander, 6-5% for Middle Eastern/East Indian and 0% for Native American/Alaskan Native.

The 2008 driver population estimate from that study may no longer be accurate since there are a significant number of traffic stops at night and the possible increase in nonresident drivers, which may have influenced the final driver population estimate.

The BPD has not adopted any benchmark for comparison but has provided in the BPD reports demographic information for the neighboring communities which may affect the driver population estimates in Brookline.

2010 US Census Data:	Brookline	NU Brookline Windshield Study**	Boston	Cambridge	Newton
White	76.7%	74.3%	53.9%	66.6%	82.3%
Black	3.4%	11.3%	24.4%	11.7%	2.5%
American Indian/Alaskan Native	0.1%	n/a	0.4%	0.2%	0.1%
Asian	15.6%	7.3%	8.9%	15.1%	11.5%
Hispanic or Latino	5%	n/a	17.5%	7.6%	4.1%

** The windshield study was conducted in 2008 and was part of Northeastern University's "Massachusetts Traffic Stop Benchmark Pilot Analysis" to determine driving population.

Population census comparison for neighboring municipalities from 2018 Year End Racial Disparities Report.

Without an accurate benchmark which includes daytime and nighttime drivers to compare the Brookline enforcement data, it is difficult to draw any definitive conclusion about disparities. Without an accurate benchmark, it would be difficult to measure the effectiveness of any reform implemented.[60]

[60] Pryor and Goff of the Center for Policing Equity, Collecting, Analyzing, and Responding to Stop Data: A Guidebook for Law Enforcement Agencies, Government, and Communities, VIII Analyzing the Data (2020). Professor McDevitt stated that data is necessary to monitor the presence of any unconscious bias, and the windshield survey might be the best benchmark for a driver population estimate.

The data does, however, show that the BPD is not using traffic stops for searching motorists, whether possibly pretextual or otherwise. "In 2019, there was one unknown instance in which a non-inventory motor vehicle search was conducted" according to the 2019 Year End Review. "In 2018 there were no non-inventory motor vehicle searches conducted" according to the 2018 Year End Review. In 2020, there were two instances in which a non-inventory motor vehicle search was conducted, constituting 0.06% of stops.

Nevertheless, there is supervision and accountability for the officers conducting traffic enforcement. The supervisors such as the sergeants review the performance of the individual officers at 6 month intervals through the Fair And Impartial Policing (FAIP) system for racial and/or gender disparities. Professor McDevitt endorsed the use of the Fair And Impartial Policing (FAIP) system. The FAIP is described in more detail in the report with that title, attached[61]. The PCAC should have more and periodic discussions with the BPD to monitor whether the FAIP should be improved/modified.

In looking at the data, the Subcommittee acknowledges that there is some level of disparate traffic enforcement taking place, whether that be racial or socio-economic; and to what extent we cannot determine without further study; however, we do agree that in order to keep trying to further reduce the level of disparity, the Department should continue to focus on: 1) recruitment and retention of good candidates, particularly candidates who are educated and diverse, 2) training, 3) supervisory oversight and intervention, if needed, and 4) review of the (600+ pages) Policy Manual relating to many (necessary) uses of officer discretion where more criteria for the exercise of discretion may need additional or more clarification.

B. FIELD INTERROGATIONS

[61] App. 78-79.

The federal and the Massachusetts constitutions permit the police to stop, detain and pat frisk a person to investigate criminal activity based on reasonable suspicion as not being violative of the respective provisions against unreasonable search and seizure. Grasso & McEvoy, Suppression Matters Under Massachusetts Law Section 1.1-1.2 (2018 Ed.).

In addition, state law, M.G.L. c. 41, sec. 98, permits the police to investigate suspicious activity and detain a person. “They may examine all persons abroad whom they have reason to suspect of unlawful design, and may demand of them their business abroad and whither they are going”. “If a police officer stops a person for questioning pursuant to this section and reasonably suspects that he is in danger of life or limb, he may search such person for a dangerous weapon. If he finds such weapon or any other thing the possession of which may constitute a crime, he may take and keep it until the completion of the questioning, at which time he shall return it, if lawfully possessed, or he shall arrest such person.”

The Manual in the section on Investigatory Stop and Frisk and Threshold Inquiry (General Order Number: 24.1) sets forth the policies and rules regulating investigatory stops and is detailed. “A police officer, in an appropriate manner and with a specific and articulable basis for suspicion that someone has, is or may engage in criminal behavior, may temporarily stop and briefly detain a person for the purpose of inquiring into possible criminal behavior even though the officer does not have probable cause to make a lawful arrest at that time. In addition, an officer may frisk such a person for weapons as a matter of self-protection when they reasonably believe that their own safety, or that of others nearby, is endangered. The purpose of this temporary detention for questioning is to enable the police officer to determine whether to make an arrest, whether to further investigate, or whether to take no police action at that time.” “The information on which the officer acts should be well founded and reasonable. A hunch or pure guesswork, or an officer's unsupported intuition, is NOT a sufficient basis.”

The Manual tells the officer when a pat frisk of a person is legally permissible: “If a police officer reasonably believes that their own safety or that of others is in danger, they may frisk or pat-down the person stopped and they may also search the area within that person's immediate control in order to discover and take control of any weapon that may be used to inflict injury.” The Manual describes in detail the procedure for the protective pat down. The Manual advises the officer the “frisk should not be a pretext to search for evidence of a crime”. Amongst other guidance, the pat down is limited to the outside of the clothing unless the officer feels an object which could reasonably be a weapon.

The above same legal standard for a pat frisk applies to the driver in a car except that the officer may then order the driver out of the car to do the pat down according to the Manual. The Manual permits the officer to make a limited inspection/search of those areas of the interior of the car where the driver or any passenger may “readily” access a weapon.

The Manual in the section on Investigatory Stop and Frisk and Threshold Inquiry forbids discriminatory stops: “stops shall NOT be used to stop persons based on their race, color, religion, national origin, ethnic group, ancestry, gender identity or sexual orientation, political or social opinions or attire, without an additional lawful basis for the stop.”

Since 2015, the BPD has kept separate databases for field contacts and field interrogations (FI) which are the persons stopped by the police whom the police have reasonable suspicion based on specific articulable facts and circumstances that the person has committed, is in the process of committing or is about to commit a crime. Field contact data is not mixed into field interrogations. BPD distinguishes field contacts from field interrogations as individuals who the police encounter during the normal course of police duties but need to be identified. The data is available since the Manual requires an officer “in every case” to make a computerized FI and/or a report with specifics such as the race of the person stopped or reason for the stop, even if nothing

is found during a pat frisk, or the detained person is free to leave after questioning[62]. The same record keeping applies to automobile stops, namely to document the stop in the FI system, even if no citation were issued. The FI records capture all stops based on reasonable suspicion for questioning by the police, whether the person is on foot or in a car.

Below is a table of 2020 field interrogations, broken down by race and gender.

2020 Field Interrogations: 36				
Race			**Gender**	
White	17		Male	30
Black	11		Female	6
Hispanic/Latino	1		Unidentified	0
Asian/ Pacific Islander	5			
Middle Eastern/ East Indian	2			
Native American/Alaskan Native	0			
Unclassified	0			
Total:	36		**Total**:	36

The 2018 Year End Racial Disparities Report sets out data from 2015 to 2018. The number of FI has decreased from 78 in 2015 to 26 in 2018. The number of residents stopped ranges from 27 in 2015, 6 in 2016, 12 in 2017 and 7 in 2018.

[62] See Manual, Investigatory Stop and Frisk and Threshold Inquiry, p. 8. The Manual states computerized FI entry and/or a report with specifics is mandated in every case. Community interactions by the BPD for which there is no reasonable suspicion for a crime being committed such as responding to the service call by a citizen of a boisterous group of young people sitting in a park at night may not be documented.

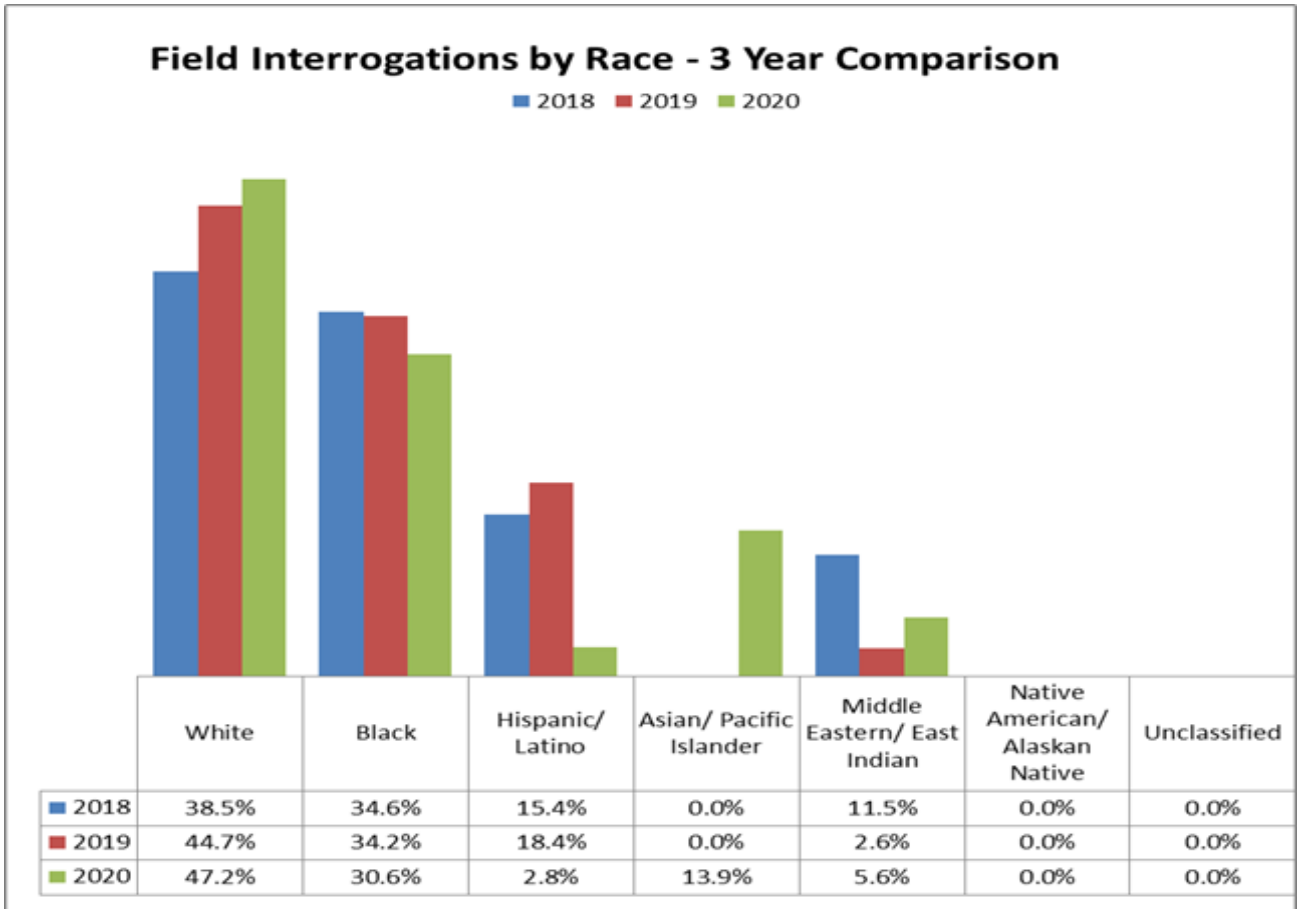
2015 FIs:	Resident		Non-Resident		Total	Total %	2016 FIs:	Resident		Non-Resident		Total	Total %
White	12	15.2%	20	25.3%	31	40.5%	White	5	10.6%	11	23.4%	16	34%
Black	5	6.3%	21	26.6%	23	32.9%	Black	0	0%	17	36.2%	17	36.2%
Latino	4	5.1%	7	8.9%	11	13.9%	Latino	0	0%	12	25.5%	12	23.5%
Asian	2	2.5%	1	1.3%	3	3.8%	Asian	1	.02%	0	0%	1	2.1%
Middle Eastern	4	5.3%	1	1.3%	5	6.3%	Middle Eastern	0	0%	1	2.1%	1	2.1%
Other	0	0%	2	2.5%	2	2.5%	Other	0	0%	0	0%	0	0%
Total:	27	34.2%	51	65.8%	**78**	100%	Total:	6	12.8%	41	87.2%	**47**	100%

2017 FIs:	Resident		Non-Resident		Total	Total %	2018 FIs:	Resident		Non-Resident		Total	Total %
White	5	10.4%	10	21%	15	31.2%	White	3	11.5%	7	26.9%	10	38.5%
Black	5	10.4%	18	37.5%	23	48%	Black	2	7.7%	7	26.9%	9	34.6%
Latino	0	0%	4	8.3%	4	8.3%	Latino	1	3.8%	3	11.5%	4	15.4%
Asian	1	2%	0	0%	1	2%	Asian	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	0	0%	2	4.2%	2	4.2%	Middle Eastern	1	3.8%	2	7.7%	3	11.5%
Other	1	2%	2	4.2%	3	6.3%	Other	0	0%	0	0%	0	0%
Total:	12	24.8%	36	75.2%	**48**	100%	Total:	7	26.9%	19	73.1%	**26**	100%

FIs comparison by race and residency by BPD from 2018 Year End Racial Disparities Report.

2019 FIs:	Resident		Non-Resident		Total	Total %
White	10	26.3%	7	18.4%	17	44.7%
Black	0	0.0%	13	34.2%	13	34.2%
Latino	2	5.3%	5	13.2%	7	18.4%
Asian	0	0.0%	0	0.0%	0	0.0%
Middle Eastern	1	2.6%	0	0.0%	1	2.6%
Native American	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	0	0.0%	0	0.0%
Total	13	34.2%	25	65.8%	**38**	100.0%

2019 FIs racial and residency comparison by BPD from 2020 Mid-Year Review, p. 12.



	White	Black	Hispanic/ Latino	Asian/ Pacific Islander	Middle Eastern/ East Indian	Native American/ Alaskan Native	Unclassified
2018	38.5%	34.6%	15.4%	0.0%	11.5%	0.0%	0.0%
2019	44.7%	34.2%	18.4%	0.0%	2.6%	0.0%	0.0%
2020	47.2%	30.6%	2.8%	13.9%	5.6%	0.0%	0.0%

3 year comparison of FIs by race by BPD from 2020Year Review, p. 16.

Similar to the traffic citations, the majority of FIs are nonresidents. The range of nonresident FIs from 2015 to 2020 is 65.8% to 83%. The rates of being stopped and questioned between White and Black non residents should be higher for White nonresidents than Black nonresidents. However, in 2015 and 2020, the rates were: 25.3% to 36.1% White nonresidents and 26.6% to 30.6% Black nonresidents. In 2016 and 2017, more Black nonresidents (36.2% and 37.5%) were stopped and questioned than White nonresidents (23.4% and 21%).

For 2020, the data reflect that same disparity between White and Black nonresidents who are subjected to FIs.

2020 FIs:	Resident		Non-Resident		Total	Total %
White	4	11.1%	13	36.1%	17	47.2%
Black	0	0.0%	11	30.6%	11	30.6%
Latino	0	0.0%	1	2.8%	1	2.8%
Asian	2	5.6%	3	8.3%	5	13.9%
Middle Eastern	0	0.0%	2	5.6%	2	5.6%
Native American	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	0	0.0%	0	0.0%
Total	6	16.7%	30	83.3%	36	100.0%

2020 FI data by BPD from 2020 Year End Review, p. 18

The data shows a pattern that more nonresidents are the subjects of field interrogations by the BPD than residents; and the rates of FIs between White and Black nonresidents are similar. However, the data does not appear to show the same racial disparity between Black and White residents being stopped and questioned.

The nonresident disparity needs more exploration to determine the factors or causes for the disproportionate amount of nonresidents being stopped and the disproportionate number of Black nonresidents when compared to White nonresidents.

As part of the overall oversight and supervisory duties and responsibilities as described in the Manual, a Lieutenant reviews every field interrogation entry to determine that the field interrogation was conducted according to the law and the policies, rules and regulations of the BPD. If the field interrogation data were not properly documented according to the Manual, and/or the field interrogation were not conducted properly, the Lieutenant has the duty and responsibility to bring that issue to the Officer-in-Charge for that particular officer. The Officer-in-Charge according to the Manual is the designated shift commander who could be a ranking officer, Lieutenant or Sergeant.

The subcommittee requested that the BPD provide the data for the FIs recorded by police officers for the past three years without any personal identifying information in

order to conduct a review as to whether the FIs are being conducted pursuant to the policies, rules and regulations in the Manual. Due to the BPD's record management system being built to house data and not to easily run reports as the subcommittees of the Police Reform or Task Force to Reimagine Policing have requested, the BPD crime analyst had to manually process such requests for data. After doing so, those three years of data were provided for the subcommittee's review which is included below.

The detailed FI data for the past three years, 2018 through 2020, show that most stops based on reasonable suspicion involve pedestrians[63]; and annually, the BPD are making less than a handful of automobile stops for field interviews.

In 2018, there were 26 FIs, including two automobile stops. A Middleastern nonresident driver was stopped on suspicion of a robbery, and a Hispanic nonresident driver was stopped on suspicion for narcotics and assault and battery on a police officer.

In 2019, there were 38 FIs including four car stops. A White resident driver and White resident passenger were stopped on suspicion for narcotics. A White resident driver was stopped on suspicion for malicious destruction of property. A Hispanic nonresident driver and Hispanic resident passenger were stopped on suspicion for narcotics. A Hispanic nonresident driver was stopped on suspicion for a shooting.

In 2020, there were 35 FIs including three car stops. A Black nonresident driver and passenger were stopped on suspicion for narcotics. A Middle Eastern nonresident driver was stopped on suspicion for narcotics. A Black nonresident driver and a Middle Eastern nonresident passenger were stopped on suspicion for looting.

[63] Those crimes being investigated on the streets in Brookline could be minor offenses such as trespass, shoplifting, tagging or graffiti to violent crimes such as assault, rape, armed robbery, shooting or domestic abuse to drug offenses as narcotics, in addition to arrest warrant apprehensions. App. 80-84.

In reviewing field interview data, it is hard to determine any significant trends given the number of FI's is so infrequent in comparison to the volume or number of officers (working on patrol and on detail assignments) on Brookline streets 24/7.

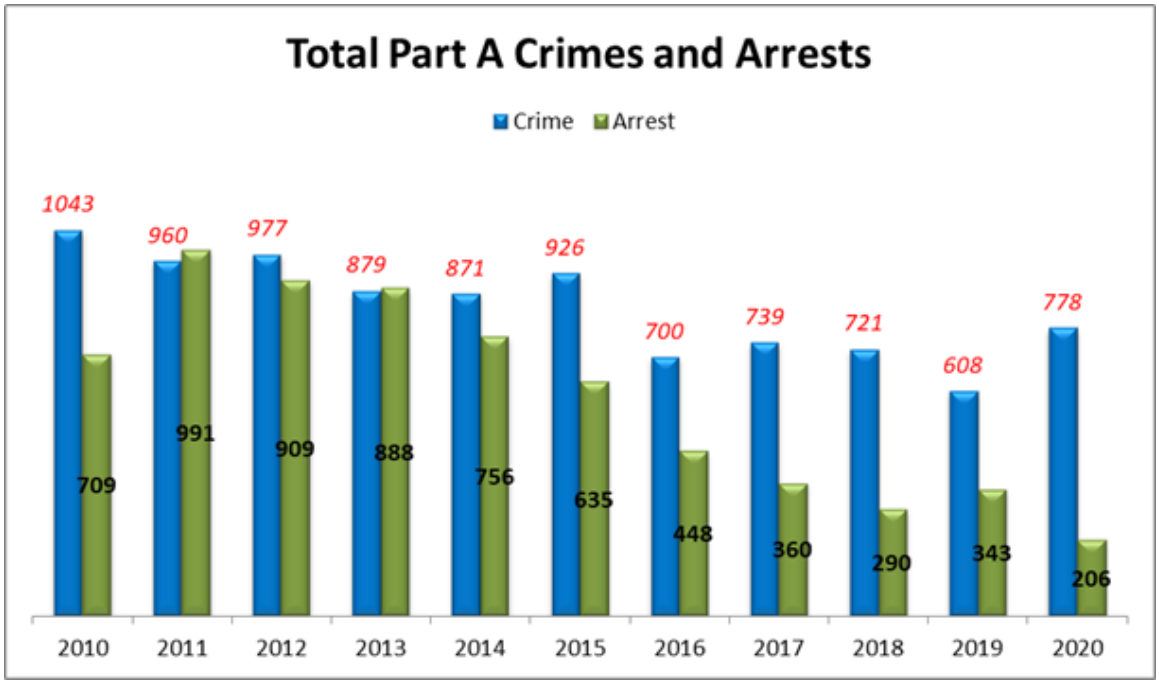
C. ARRESTS

The Manual describes in detail over twelve pages what constitutes an arrest; who can make an arrest; under what circumstances when an arrest may be required or may not be made; and how an arrest should be effectuated. A police officer is authorized to arrest a person when "[p]robable cause for arrest exists if, at the time of arrest, the facts within the knowledge of the arresting officer (or within the collective knowledge of the police) are reasonably trustworthy and are sufficient to warrant a person of reasonable caution and prudence to believe that the person being arrested has committed or is committing the crime for which the arrest is being made."

The Manual tells the officer when an arrest can be made with an actual outstanding warrant or without a warrant, whether on the street or in a dwelling. The Manual describes under what circumstances Brookline officers may arrest in a neighboring municipality outside of Brookline.

Importantly, the Manual provides criteria when an officer although having the legal authority to arrest may exercise discretion not to do so. The Manual permits the officer under limited circumstances to exercise discretion "when the public interest could be better served by not making an arrest" such as aggravation of an existing situation, greater priority for more serious crime or urgent public emergency, mediated minor disputes where parties may know each other, or minor juvenile offenses. There is clear guidance that an officer should not arrest as a show authority or imposition of personal feelings. Examples are provided, such as attitude of, or explicit verbal, abuse from a person or when other more appropriate options exist for the officer.

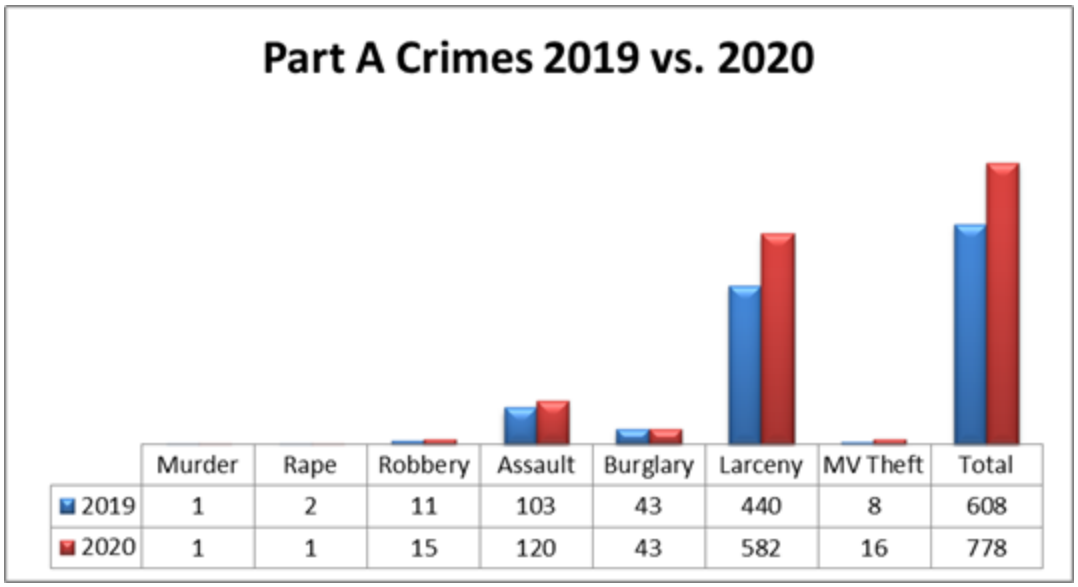
As the 2020 Year End Review shows, the rate of arrests has declined annually as the overall crime rate has declined. In 2010, there were 709 arrests. In 2020, there were 206 arrests.



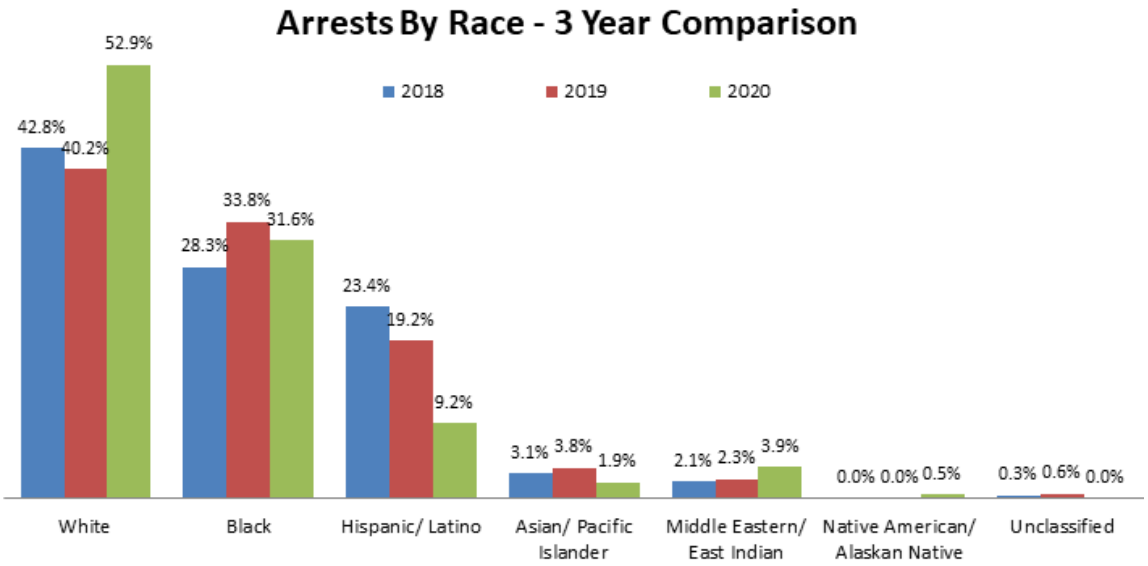
Graph showing 11 year decline in crime and arrests by BPD from 2020 Year End Review

The graph below showing a comparison of crimes in 2019 and 2020 provides a summary of the types and numbers of crimes that the BPD are encountering.

Comparison of crimes by category and numbers in 2019 and 2020 by BPD from 2020 Year-End Review, p. 7.

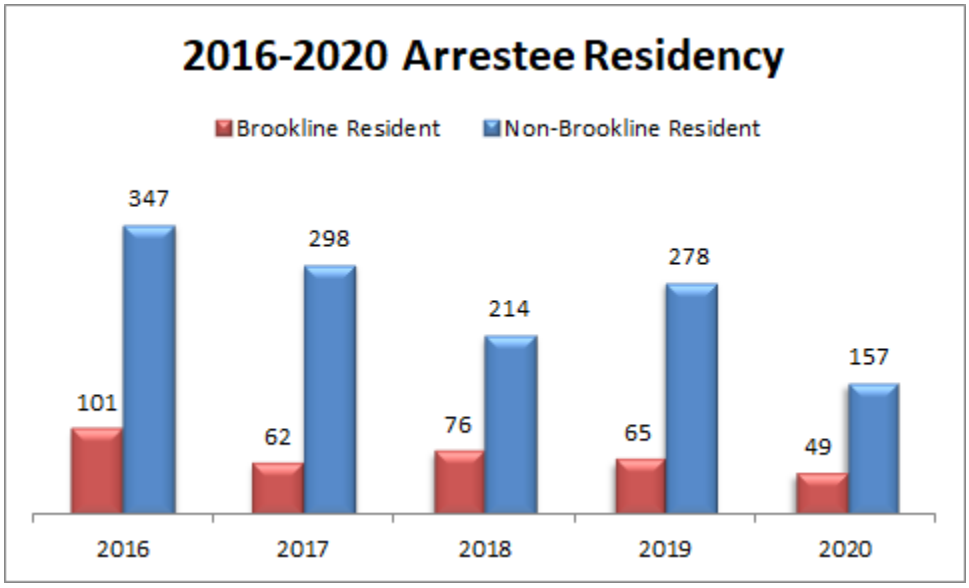


	Murder	Rape	Robbery	Assault	Burglary	Larceny	MV Theft	Total
2019	1	2	11	103	43	440	8	608
2020	1	1	15	120	43	582	16	778



Three year comparison of arrests by race by BPD from 2018-2020.

The breakdown of arrests between residents and nonresidents is wide. In 2013, 83% or 731 of the arrests were nonresidents, while 17% or 145 arrests were residents. In 2020, the rate of arrests for nonresidents was 76% constituting 157 arrests. The percentage of arrests for residents was 24% from 49 arrests.



Five year comparison of arrests by residency by BPD from 2016-2020.

2013 Arrests:	Resident		Non-Resident		Totals	Total %	2014 Arrests:	Resident		Non-Resident		Total	Total %
White	81	9.2%	263	30.0%	344	39%	White	70	9.3%	241	31.9%	311	41%
Black	30	3.4%	276	31.5%	306	35%	Black	27	3.6%	214	28.3%	241	32%
Latino	19	2.2%	142	16.2%	161	18%	Latino	11	1.5%	115	15.2%	126	17%
Asian	9	1.0%	21	2.4%	30	3%	Asian	12	1.6%	25	3.3%	37	5%
Middle Eastern	7	0.8%	29	3.3%	36	4%	Middle Eastern	3	0.4%	38	5.0%	41	5%
Total:	146	16.6%	731	83.4%	**877**	100%	Total:	123	16.3%	633	83.7%	**756**	100%

2015 Arrests:	Resident		Non-Resident		Total	Total %	2016 Arrests:	Resident		Non-Resident		Total	Total %
White	68	10.4%	209	31.9%	277	42.3%	White	50	11.1%	109	24.3%	159	35.5%
Black	16	2.4%	192	29.4%	208	31.8%	Black	15	3.3%	136	30.4%	151	33.7%
Latino	16	2.4%	119	18.2%	135	20.6%	Latino	14	3.1%	81	18.1%	95	21.2%
Asian	10	1.5%	13	2.0%	23	3.5%	Asian	11	2.4%	12	2.7%	23	5%
Middle Eastern	3	.5%	8	1.2%	11	1.7%	Middle Eastern	5	1.1%	6	1.3%	11	2.5%
Native American	0	0%	0	0%	0	0%	Native American	0	0%	0	0%	0	0%
Other	0	0%	0	0%	0	0%	Other	6	1.3%	3	.6%	9	2%
Total:	113	17.3%	541	82.7%	**654**	100%	Total:	101	22.5%	347	77.5%	**448**	100%

2017 Arrests:	Resident		Non-Resident		Total	Total %	2018 Arrests:	Resident		Non-Resident		Total	Total %
White	27	7.5%	127	35.3%	154	42.7%	**White**	46	15.9%	78	26.9%	124	42.8%
Black	12	3.3%	103	28.6%	115	32%	**Black**	9	3.1%	73	25.2%	82	28.3%
Latino	14	3.9%	52	14.4%	66	18.3%	**Latino**	13	4.5%	55	19.0%	68	23.4%
Asian	5	1.4%	8	2.2%	13	3.6%	**Asian**	6	2.1%	3	1.0%	9	3.1%
Middle Eastern	3	.8%	6	1.7%	9	2.5%	**Middle Eastern**	2	.7%	4	1.4%	6	2.1%
Native American	1	.3%	1	.3%	2	.6%	**Native American**	0	0%	0	0%	0	0%
Other	0	0%	1	.3%	1	.3%	**Other**	0	0%	1	0.3%	1	0.3%
Total:	62	17.2%	298	82.8%	**360**	100%	**Total**	76	26.2%	214	73.8%	**290**	100%

5 year arrests with racial and residency comparisons by BPD from 2018 Year-End Racial Disparities Report.

2019 Arrests:	Resident		Non-Resident		Total	Total %
White	44	12.8%	94	27.4%	138	40.2%
Black	11	3.2%	105	30.6%	116	33.8%
Latino	5	1.5%	61	17.8%	66	19.2%
Asian	2	0.6%	11	3.2%	13	3.8%
Middle Eastern	3	0.9%	5	1.5%	8	2.3%
Native American	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	2	0.6%	2	0.6%
Total	65	19.0%	278	81.0%	**343**	100.0%

2020 Arrests:	Resident		Non-Resident		Total	Total %
White	30	14.6%	83	40.3%	113	54.9%
Black	10	4.9%	52	25.2%	62	30.1%
Latino	4	1.9%	16	7.8%	20	9.7%
Asian	3	1.5%	2	1.0%	5	2.4%
Middle Eastern	2	1.0%	3	1.5%	5	2.4%
Native American	0	0.0%	1	0.5%	1	0.5%
Other	0	0.0%	0	0.0%	0	0.0%
Total	49	23.8%	157	76.2%	**206**	100.0%

2019 and 2020 arrest data with racial and residency comparison by BPD from 2020 Year End Review

The rates of arrests between White and Black non-residents were the same historically and may indicate a racial disparity.

In 2013, rates of arrests with White and Black nonresidents were 30.0% and 31.5% respectively, while the rate was 9.2% representing 81 White resident arrests and 3.4% representing 30 Black resident arrests.

In 2018, the rate of arrests was 26.9% for White nonresidents and 25.2% for Black nonresidents, while the rate was 15.9% representing 46 White resident arrests and 3.1% representing 9 Black resident arrests.

In 2019, the breakdown of arrests between nonresidents and residents are 81% and 19% respectively, similar to the breakdown of 2020 traffic stops, 86% nonresidents and 14% residents. For 2020, the breakdown of arrests between nonresidents and residents is 76.2% and 23.8%, respectively. Below is a look at the arrest rate of black residents, which has gone down significantly since 2013.

Arrests per 1K black resident population				
Year	# of Black residents Arrested	Black Residents Pop		Rate
2013	30	1,997	1000	15.02
2014	26	1,997	1000	13.02
2015	16	1,997	1000	8.01
2016	15	1,997	1000	7.51
2017	12	1,997	1000	6.01
2018	9	1,997	1000	4.51
2019	11	1,997	1000	5.51
2020	10	1,997	1000	5.01

D. Conclusion about racial profiling[64]

[64] At the request of the subcommittee to provide perspective on the recent data in this report, the BPD assembled three tables with graphs listing the breakdown by race for arrests, FIs and moving violations for a 21 year period, 2000-2020. See "Percentage Breakdown by Race of Arrestees, Field Interviews/Interrogations and Moving Violations over 20 Years". App.85-88. Each of the graphs shows the percentage by race of the total in each category. Because the raw data can vary so much (i.e. this past year 2020, the BPD only issued 3400 citations, 10,000 less than the year prior in 2019, so total figures are misleading).

Some caution about relying on the accuracy of the data in the tables needs to be considered: 1) the data in the earlier years may not be accurate as the more recent data due to the BPD's use of a crime analyst to keep that data; 2) the BPD records management system did not have the same racial categories included in the summary reports in the early days such as the present racial categories of Hispanic/Latino and Middle Eastern/East Indian which was not a separate category until 9/11 terrorist attacks on September 11, 2001. Every record for a traffic stop, field interview or arrest must be read and then

There appears to be a pattern that more nonresidents than residents are subjected to traffic stops, FIs and arrests. There appears to be a pattern that Black nonresidents represent a disproportionate number compared to White nonresidents. The White-Black nonresident disparity does not seem to be present with White residents and Black residents. On the whole, White residents are the subjects of more FIs and arrests than Black residents. The 2020 data as to traffic citations show that far more nonresidents than residents are the subjects of traffic stops in Brookline but does not show any racial disparity as between White and Black nonresidents or between White and Black residents.

Recommendations

A. Further, indeed, ongoing review and investigation by the PCAC is very important as to apparent disparities between nonresidents and residents and between White nonresidents and Black nonresidents. Professor McDevitt (supra), stated the treatment between non residents and residents is -- aside from benchmarks -- nonetheless a "very important" factor to review in the data, i.e. how officers interact with non-resident drivers after stops. While unconscious bias may never get to zero -- for officers or for people in general -- we must keep striving for that crucial goal.

B. The BPD has published racial/gender disparities data (for over two decades on car stops by race for transparency and accountability, started by Chief O'Leary in 1997, ten years after it was theoretically agreed by a unanimous Select Board, but still the first in Mass., with now about 50 others doing so. More community outreach or engagement needs to occur between the BPD and the residents to explain the data and significance of the racial disparity data published annually

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manually tallied individually for twenty years to obtain an accurate picture of the trends for the past twenty years. Such an endeavor is labor intensive for the BPD; and 3) the officers' perceptions of race for FIs and moving violations were not required earlier.

and mid-year, to provide factual information and promote trust between the BPD and the community, and to keep reducing such disparities when not justified by public safety needs. The respective Community Engagement subcommittees of both the Select Board's Committee on Policing Reforms and Task Force to Reimage Policing seem to have recommendations that could be adopted for this purpose. Also, the proposed PCAC must have as a priority a role on this, especially on integrating such data into both further specific policy reforms, including for improving supervision, accountability, incentives, and disincentives -- and as recommended, having periodic (at least annual) public hearings

C. Although the BPD has data about traffic stops, the BPD needs an accurate benchmark data to compare the BPD data to determine the extent of disparate treatment and to measure the effectiveness of any changes in policing. Another windshield/observational or crash study is absolutely warranted by a research institution like Northeastern University which has some history with Brookline. With the ongoing pandemic, the study cannot be now, but should be conducted as soon as possible by BPD and the PCAC when the traffic in and around Brookline has returned to normalcy[65]. The estimated cost of the study must be a high priority for adding to the budget.

D. The traffic stop data should continue to be broken down like the FIs and arrests by race and by residency. Until 2020, the Moving Violation data was not treated like the FIs and arrests. There is a specific policy in the Traffic Enforcement/Investigation/Control section of the Manual stating that the BPD should not give residents preferential treatment over nonresidents. However, there is no means to monitor compliance with even the above-mentioned policy if the BPD does not provide the traffic violation data broken down into residents and nonresidents and racial background of the two categories. Again these must

[65] Professor McDevitt made this recommendation to conduct the traffic study -- but only after the pandemic.

be priority issues for the PCAC, including any proposed policy changes to address any unwarranted disparities.

The Subcommittee also recommends that additional staff time or a staff person be added for the purpose of entering additional traffic citation data to include time of stop, full address of the traffic stop and resident vs nonresident, in addition to those data points currently collected. The collection of this additional data will allow for more enhanced analysis of enforcement efforts as it relates to high crash areas and high traffic volume locations and times. Additionally, given the volume of traffic stops, traffic crashes and requests from residents to conduct traffic enforcement, and the concerns generated as to the disparate enforcement of traffic violations, the Department may want to add additional analytical staff to focus on traffic analysis and/or an additional technical staff person in the IT Unit who can automate the collection, extraction and analysis of pertinent public safety data which can assist in identifying racial disparities, trends, and aggregating police data to ensure a better and fairer deployment of police resources. Software/hardware for automation of data collection and data generation ought to be considered. The estimated cost to implement the data collection recommendation should be considered for addition to the upcoming budget.

E. The 600+ page Manual, which directs officers in conducting arrests, field interviews, traffic enforcement, among many other activities, should weave throughout clear statements as to the commitment of the Town and Department to uphold civil liberties and to ensure racial equity in all of its activities. The manual should encourage officers to be mindful in their day to day activities of the racial injustices and inequalities that exist for BIPOC in America today. Further or additional criteria should be considered and added to guide the officer in the use of discretion in this area[66]. Again, this should be a PCAC priority.

[66] see *Commonwealth v. Lang Lek* __ Mass. __ (Mass. App. Ct. 2/11/21)(an admitted pretext stop case, but evidence suppressed on other grounds): "We echo the concerns... of the SJC in its recent decision in

F. Line supervisors should conduct a regular review of the activity of officers under their command to include reviewing a subordinates' field interviews, moving violations and arrests with consideration given to whether there are potential disparities in their enforcement and addressing any areas of concern they find.

III. CIVILIAN RACIAL PROFILING - SUSPICIOUS PERSON CALLS

Some minority residents have expressed the fear of being stopped or approached by the BPD, when they have not done anything out of the ordinary. The subcommittee explored those incidents where the police officer has seen no criminal activity to be investigated, but a citizen calls the BPD about the concern for a suspicious person or suspicious activity in the area and asks the BPD to respond to that concern.

The report prepared by the Brookline Police Department Community Service Division is attached[67]. This report reviews calls initiated by citizens and officers for suspicious activity and is broken down by type of suspicion and race. The findings of the report are below (and attached).

In 2019, there were 539 CAD calls that were classified as suspicious incidents. These 539 calls are separated into three categories. After receiving a call, the dispatcher categorizes the call as: general suspicious activity report, suspicious person, or suspicious motor vehicle. Of the 539 calls received by Dispatch, 286 were categorized as suspicious activity, 165 were categorized as a suspicious person, and 88 were categorized as a suspicious motor vehicle.

507 (or 94%) of the 539 CAD entries for suspicious activity originated from citizens who called reporting a suspicious observation. In the charts in the report, you can see the

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Long, 485 Mass. at 726-730, and note that a policy of unbridled discretion is an obvious invitation to arbitrary action and, particularly when the few things known about a vehicle seen on the street can include the driver's race, it would obviously be a matter of concern were such a policy adopted, at least without strict and explicit criteria for its use."

[67] App. 89-122.

breakdown of calls originating from citizens, as well as police, by race. Omitted from these charts below are 36 calls where race was not applicable (scam phone calls, shell casings, unsecured vehicles). Of the 507 calls by citizens, 230 included race as a description and of the 32 calls initiated by officers, 30 included race as a description.

Of the calls initiated by a citizen in which there was a description given of an individual, 107 were white, 72 were black, 8 were Asian, 9 were Hispanic/Latinx, and 7 were Middle Eastern. 270 calls where an individual was mentioned had no mention of race by the caller. For the calls initiated by officers, 12 of the individuals were identified as white, 5 were black, 1 was Asian, 1 was Hispanic/Latinx, and none were Middle Eastern. In 11 of those calls where an individual was indicated, there was no race indicated.

Of the suspicious activity calls initiated by police, three individuals were arrested. Several of the incidents were determined to be medical emergencies or intoxicated persons. The majority of the calls resulted in an officer advising the person in question of a Town-By-Law violation or the complaint and sending the person on their way.

As part of their training to field calls related to suspicious activity, all dispatchers or telecommunicators are issued the following, which is part of the Public Safety Telecommunicator Training Manual:

From the Public Safety Telecommunicator Training Manual:

31 Suspicious Activity

Citizens report all types of events to the police when they think that something illegal is happening. Usually the event is innocent, but only personal evaluation by a police officer can determine that this is so. Callers who say “I see a suspicious person/car/etc.” should be questioned as to WHY they feel it is suspicious? A good description and location is necessary for the responding officers to locate and evaluate the suspicious person/car.

The telecommunicator should avoid putting a Suspicious Activity/Person into the CAD without an explanation of why it is suspicious. Explain the suspicious activity as explained

by the caller. Enter what the caller saw or heard and let the officers draw their own conclusions. The following information is needed:

- Name, address, telephone number, and location of reporting person.
- Location of suspicious event.
- What is suspicious about the activity?
- Full descriptions of suspicious person/car.

A telecommunicator tries to determine from the caller what the caller actually sees and hears, if the caller has seen the person/vehicle in the area in the past, and if the caller will meet with the responding officer to point out the person/vehicle to the officer.

A telecommunicator is also aware of the need to articulate the specifics of the call in the narrative when entering the call into the CAD system. The response by the officer is guided by the information provided by the telecommunicator. An Officer is given the discretion to make her/his own assessment of the call when the officer arrives on scene. If the officer does not believe that any suspicious activity amounting to criminal activity is taking place, the officer is not expected to further investigate or check on the person. The officer will inform the dispatcher that the officer observed no suspicious activity, and that the officer is clearing the call. This information is then put into the CAD system.

The Chief of Public Safety Dispatch confirms that the dispatchers are following the policies and procedures in the training manual and utilizing the training in practice when a caller does not provide sufficient information to process the call about a suspicious person or activity for an officer response[68].

[68] App. 122A-122B.

Recommendation:

1) Dispatchers should be encouraged -- by written guidelines and factors that (also for transparency) should be added to the Manual, e.g. --to ask for and include additional information in the CAD record as to what the caller's found suspicious about a person, vehicle or activity and to ascertain and include, to the extent possible, race, gender, ethnicity and other specifics about the subject of their call.
2) Patrol Supervisors should continue to monitor these types of calls and request additional information from Dispatch when appropriate to determine if there is a legitimate concern that has been articulated as to the suspicious activity and/or if there may be bias on behalf of the caller.
3) Officers should be encouraged to include more details in their call back as to what the findings of the suspicious activity call were.
4) During community engagement sessions between the BPD and Brookline residents, the BPD should remind residents that suspicious calls must not be based upon a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level since all persons in Brooklne have a right to bias free policing. BPD and PCAC should discuss with the CDICR other avenues to minimize unconscious civilian bias. Ultimately no police department is likely to be better than its community in this important regard.

V. MUTUAL AID AGREEMENTS AND COMMAND AND CONTROL PROCEDURES FOR MASS EVENTS, DEMONSTRATIONS, ETC. INCLUDING BROOKLINE POLICE DEPARTMENT'S SPECIALIZED UNITS

The subcommittee obtained copies of the documents in which the BPD has formalized a relationship with another agency. The list is attached as Appendix 123.

For supervisory control over other law enforcement agencies in Brookline, the Manual designates the Chief of Police. The Manual on page one specifically provides that the Chief of Police supervises and oversees the entire department and also "[c]oordinates

departmental action with other law enforcement agencies in cooperative measures for crime prevention and law enforcement." In the Chief's absence, or at the Chief's direction, the Superintendent would be responsible for working with other law enforcement agencies.

The Manual in General Order Number. 40.1 sets out the Supervisory Management policies. The supervisory standard is "to ensure a reasonable span of control at all times."

Some of the fourteen agreements that may be of general interest are discussed here. All but one of the agreements are with outside law enforcement agencies. Some of the agreements may be affected by the Police Reform Law.

A. One internal agreement between BPD and the Brookline Public School

The role of the police in the schools has been discussed in the Brookline community. The nine page Memorandum of Understanding (MOU) between The Public Schools of Brookline does set out that relationship in detail together with the role of the Norfolk County District Attorney. The effective date of the MOU is October 31, 2019 until rescinded by the parties to the MOU. There are eight parts to the MOU.

Part I. sets out the Purpose of the MOU "to establish a unified strategy" to have a "safe and secure environment" for the Brookline school community. The General Principles in Part II. provides for coordination between The Public Schools and the BPD to prevent alcohol and drug abuse and "to promote a safe and nurturing environment in the school community." Each of the parties to the MOU designates in Part III. named liaisons from the BPD including the School Resource Officer (SRO) and the Public Schools.

The issues of concern of the parties are set out in Part IV. One issue is the School and BPD liaisons would review reportable incidents classified as Mandatory Reportable Incidents and any other incident which "may affect the safety or wellbeing" of persons in the schools. The other issue is an agreement between the BPD, The Public Schools

and the Norfolk DA to meet regularly to, amongst other things, discuss incident of school violence or bullying, discuss use of alcohol or drugs or any other school criminal activity, identify strategies to reduce school violence or drug/alcohol use, develop prevention and intervention programs, and outline action plans to implement any strategy.

In Part V. the BPD and The Public Schools agree to report certain incidents to each other. The Public Schools agree to tell the BPD Mandatory Reportable Incidents such as possession, use, sale or distribution of alcohol, drugs, inhalants or controlled substances; assaultive behavior or threats; possession of weapons such as guns, knives or ammunition; stalking, harassment, cyberbullying, domestic or dating abuse or violence; hate crimes; hazing; sexual assault, etc. The BPD in return will tell The Public Schools, subject to any confidentiality prohibitions, about the arrest of any student and anything that happens involving a student if that activity poses any type of threat to the safety of the student, other student or administrative personnel; disclosure would assist the school to provide “supportive intervention” on behalf of the student; or the activity involves truancy.

Part VI. Entitled Procedure Guidelines sets out how The Public Schools should proceed with notification of an Emergency Situation or Non-Emergency Situation to the BPD, the parents or guardians, preservation of any physical evidence, and notification to the BPD of any written reports.

Part VII. Provides for Procedures for Interviewing or Arresting Students on Schools grounds. In summary, except in an emergency, the BPD may not detain or question a student without first contacting the principal and the parents. There is a recognition that “the vast majority of juveniles involved in incidents are likely candidates for positive diversion and intervention efforts”. As a result, the student should not ordinarily be arrested on school property, unless the crime was a “serious or violent felony” if an adult had allegedly committed the crime. If an arrest had to be made on school property in an

emergency, the manner of arrest must be the least disruptive and embarrassing method.

Both the BPD and The Public Schools agree to train the respective staff to implement the agreement according to Part VIII.

The Norfolk District Attorney provides a written commitment to the BPD and The Public Schools to host regular School Security Roundtable Meetings under the MOU. The purpose of the Roundtable is for information sharing about Brookline students from initiation of a complaint, adjudication, consultation to set terms of release pending trial or probationary terms, notification of terms of release or on probation, and consultation when making prosecution decisions.

However, the Police Reform Law in section 79 amended the school resource officer law with a new provision in chapter 71 section 37P. The Police Reform Law has extensive provisions about the detailed contents of a model school resource officer (SRO) memorandum of understanding (MOU) to be developed by a diverse multiple discipline group called the model school resource officer memorandum of understanding review commission "not later than February 1, 2022 for implementation starting in the 2022 school year."[69] In September 2022, the existing 9 page MOU will no longer be in effect. The school resource officer program will be governed by the new law.

The Police Reform Law also requires any police officer who is designated as a school resource officer to be specially certified by the Massachusetts Peace Officer Standards and Training Commission[70].

Unlike Brookline's existing MOU, there is nothing in the Police Reform Law about the role of the District Attorney's office or about a Roundtable. It appears that the present role of the District Attorney or any other third parties may have to be re-evaluated in light of the new confidentiality provision in the Act relating to the school resource officer

[69] Section 113 of the Act.
[70] Section 3(b) of c. 6E

program. "School department personnel and school resource officers, as defined in section 37P, shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state and federal law enforcement, through an official report or unofficial channels, including, but not limited to, text, phone, email, database and in-person communication, or submit to the department of state police's Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement, any information relating to a student or a student's family member from its databases and other recordkeeping systems . . . ."[71].

B. Agreement by BPD with outside law enforcement agencies[72]

The mutual aid statutes, St. 1998, c. 212 and M.G.L. c. 40 sec. 8G, gives the police officer from the neighboring jurisdiction the power of arrest. For example, the arrest once made and subsequent custody and prosecution would be the responsibility of the Boston or Newton Police. However, the mutual aid agreement permits the supervisor in the jurisdiction where the arrest is made, namely Brookline, to take responsibility for the custody and prosecution of the arrestee.

The mutual aid agreement with Boston, Newton and Brookline provides that the Boston and Newton officer may act within 500 yards of Brookline as if the officer was sworn in Brookline. The Boston or Newton officer acting like a Brookline officer would be overseen by the Brookline Chief of Police.

Next, the mutual aid agreement with Newton Police Department to assist with paid police details requires that Brookline Police to be "under the operation and direction" of the BPD's Commanding Officer.

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[71] Section 78 of the Act adding section 37L of chapter 71 of the General Laws.

[72] Besides the MOU with the federal Secret Service, the BPD has no other agreements with federal law enforcement agencies like ICE. In fact, General Order Number: 43.0 in the Manual prohibits the BPD from detaining any person with a detainer issued by the federal Immigration and Customs Enforcement (ICE) or using any resources for ICE.

Formal mutual aid agreements have been used in the past to define agreements and responsibilities for participating police departments to provide assistance to one another under certain conditions. These conditions are identified and predictable and do not vary. For example, the Brookline PD's agreement with Newton PD to assist in the performance of police details. We recommend these types of written agreements continue to be agreed upon when they are used to define long standing police operations.

In addition to the mutual aid statute, Brookline's Police Chief may ask for help through a different law. Chapter 41 of the General Laws Section 99[73] allows a commanding officer (and others) from one department to seek officer(s) from another department to assist them in order to better perform the municipality's public safety responsibilities. This type of request is a common occurrence in policing and covers a wide variety of requests such as: an officer's need for a specific language capability, for assistance in the search for a missing person, for assistance to manage a spontaneous disturbance or to provide officers to assist in a planned demonstration. Formal mutual aid agreements are not needed under this law. A simple request from a supervisor of one Department to a supervisor of another Department is sufficient to meet the requirements of this statute. It is not uncommon for the Brookline Police to utilize this public safety benefit as well as provide assistance under it. Our recommendation would be for Brookline Police to keep operating in this manner and to commit to tracking the times and incident types when this statute is used as well as any written documents surrounding a request for assistance.

An example of the BPD's utilization of c. 41 §99 is the assistance provided by the Norfolk County Sheriff during the Black Lives Matter march event on June 5, 2020.

[73] See App. 187-191.

The BPD had anticipated that the event was going to be well attended and made a request for assistance from the Norfolk County Sheriff to be able to keep order in light of past events in other municipalities.

With respect to the Norfolk Sheriff, there was no memorandum of understanding or agreement with the BPD and the Norfolk Sheriff. The letter from the Norfolk Sheriff merely states how the BPD may request assistance from the Norfolk Sheriff. The letter lists the type of resources that the Norfolk Sheriff has to assist local law enforcement. According to the Norfolk Sheriff's website, these resources or special operations would be deployed at the invitation of the local chief of police "to support local law enforcement." "Over half of our uniformed staff have completed training through the Municipal Police Training Committee Reserve Intermittent Academy and are sworn as Deputy Sheriffs. Norfolk Deputy Sheriffs are available to assist local police departments with large events" amongst other needs of local law enforcement.

According to the Norfolk Sheriff's website, the Command Center is a "mobile command center which can be dispatched to local cities and towns during a crisis, law enforcement operation, rescue operations, or to assist with monitoring large community events." "Mobile Operations Unit (MOP) consists of five officers all of whom have completed a Basic Motorcycle Operators Course." "The Sheriff's Response Team (SRT) is a rapid-response unit of specially trained correction officers" who respond to disruptive incidents within the correctional center and "also assist with high-risk situations in the community". There is no description of the Pedal Bikes or Honor Guard Unit on the website.

In each Year-End Report, the Traffic and Records Division does have a section called Special Events. That portion of the 2019 Year-End Review talks about policing and security for the annual 'Boston Marathon', 'Brookline Day', the July 4th at Larz Anderson and Summit parks, Walk for Hunger, half marathons and others.

General Order Number 42.0. Special Operations/V.I.P. Security reflects "the policy of this Department to actively participate in multi-agency operational planning for the entirety of the event (before, during, and after), that incorporates the needs and response efforts of all participating agencies, in order to help facilitate a successful event." Under the General Order, the Deputy Superintendent-Traffic Division is responsible for the planning and coordinating of all planned special events occurring within the Town of Brookline. The Commanding Officer-Traffic Division is responsible for a special event and shall prepare a written operation plan which includes the estimated crowd size, traffic and any particular crime problems and any contingency for traffic issues. After the event, there is a report containing the crowd size, traffic congestion, any crime issues and recommendations for future similar events

There are new provisions relating to mass demonstrations or protests in the Police Reform Law. The provision of the Police Reform Law creating the new Massachusetts Peace Officer Standards and Training Commission requires[74] police departments and police officers to undertake certain measures on the use of force before and after demonstrations.

A police department will have an obligation to plan for a demonstration with designation of an officer-in-charge. "When a police department has advance knowledge of a planned mass demonstration, it shall attempt in good faith to communicate with organizers of the event to discuss logistical plans, strategies to avoid conflict and potential communication needs between police and event participants. The department shall make plans to avoid and de-escalate potential conflicts and designate an officer in charge of de-escalation planning and communication about the plans within the department."

[74] Section 30 of Ch. 253 of the Acts of 2020, chapter 6E section 14(e).

During a demonstration, a police officer cannot use force unless de-escalation is not feasible, and the force to be used is "necessary to prevent imminent harm and the foreseeable harm" and is proportionate to the threat of harm. "A law enforcement officer shall not discharge or order the discharge of tear gas or any other chemical weapon, discharge or order the discharge of rubber pellets from a propulsion device or release or order the release of a dog to control or influence a person's behavior unless: (i) de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances; and (ii) the measures used are necessary to prevent imminent harm and the foreseeable harm inflicted by the tear gas or other chemical weapon, rubber pellets or dog is proportionate to the threat of imminent harm."

If a police officer uses force, the police department will have an obligation to file a detailed report with the Massachusetts Peace Officer Standards and Training Commission concerning the necessity for use of force during the demonstration. "If a law enforcement officer utilizes or orders the use of tear gas or any other chemical weapon, rubber pellets or a dog against a crowd, the law enforcement officer's appointing agency shall file a report with the commission detailing all measures that were taken in advance of the event to reduce the probability of disorder and all de-escalation tactics and other measures that were taken at the time of the event to de-escalate tensions and avoid the necessity of using the tear gas or other chemical weapon, rubber pellets or dog."

"The commission shall review the report and may make any additional investigation. After such review and investigation, the commission shall, if applicable, make a finding as to whether the pre-event and contemporaneous de-escalation tactics were adequate and whether the use of or order to use such tear gas or other chemical weapon, rubber pellets or dog was justified."

RECOMMENDATIONS

A. The Police Department should conduct a review of the Manual's General Order Number 42.0 Special Operations/V.I.P. Security to ensure it is sufficient to guide

the actions of the Officers during certain events, and changes and/or recommendations from the Massachusetts Police Peace Officer Standards and Training Commission, that are accepted by the Select Board, are included.

B. For assistance without a formal agreement pursuant to M.G.L. c. 41 §99, the Brookline Police Department continues to operate in the existing manner and to commit to tracking the times and incident types when this statute is used as well as any written documents surrounding a request for assistance.
C. Any outside law enforcement official assisting the BPD must conspicuously display at all times a clearly identifiable Department insignia such as a badge, patch or Department name on the exterior of any clothing, uniform or gear/equipment to enable any person to ascertain the identity of the official.
D. The Manual will have to be revised with new statutory requirements to be adopted by the Select Board.
E. The BPD with PCAC input and the school department should determine if they should enter the into a model school resource officer (SRO) memorandum of understanding (MOU) developed by the model school resource officer memorandum of understanding review commission for implementation starting in the 2022 school year, together with any officer who is designated as a SRO be specially certified by the Massachusetts Peace Officer Standards and Training Commission.

VI. REVIEW AND EXAMINE ARRESTS AND USE OF DIVERSION

The Brookline Police Department utilizes diversion in lieu of arrest/court action in a variety of scenarios, in particular through the School Resource Officers, the Juvenile Detective Unit, the Walk and Talk Unit and the Crisis Intervention Team. When appropriate, it is the goal of the Department to ensure that people who need services have access to them, and when appropriate, youth, persons with substance use disorders, those with mental illness or developmental disabilities and others be diverted from the criminal justice system and referred for social service assistance, issued a behavior contract, given medical assistance, etc.

There should be more use of diversion instead of prosecution of a court case by considering such factors as the criminal record and public safety; For example, in all criminal cases except those requiring mandatory sentencing terms, the police prosecutor should first consider whether the matter may be amenable to diversion. Diversion should be considered at the earliest stages of the prosecution i.e. complaint charging or prior to and subsequent to arraignment. The police prosecutor should inform the defendant if pro se, the defense attorney if any, the judge, the assistant district attorney if any, of the potential for diversion and the terms of that diversion; and, if it seems appropriate, explicitly urge the the assistant district attorney to reschedule the arraignment for a reasonable time period to enable the defendant to engage a defense lawyer who can consider and possibly propose a diversion plan.

There should be recordkeeping on the use of diversion including the terms, compliance with the terms and outcome of the criminal matter and the racial background. Such records can be useful to determine any gaps or deficiencies in and to improve existing services for a successful diversion and monitor any racial disparity when diversion is recommended. Although juvenile diversion is formalized[75], there is no such screening tool or contract for adults.

When established, the PCAC should recommend or formulate a policy about the use of diversion in criminal matters to guide the discretion of the police prosecutor.

VII. REVIEW AND EXAMINE USE OF NO KNOCK WARRANTS

The Manual in the Search and Seizure section (General Order Number.: 23.1) sets out the law on search warrants, the procedure to follow to apply for a search warrant from the court including drafting of the affidavit in support, the procedure to execute the search warrant and the steps to follow after execution of the warrant.

[75] See the Massachusetts Arrest Screening Tool for Law Enforcement (MASTLE) form and the Youth Diversion Contract. App. 192-199.

There is oversight of and assistance to the officer who is applying for a search warrant. The Manual states: “An officer requiring a search warrant shall consult with the Commanding Officer - Platoon on Duty, or officer in charge of their unit, and obtain their advice, guidance and approval before proceeding to court.” The officer is also advised if legal assistance were needed, the Norfolk District Attorney’s should be contacted. The District Attorney has an office in the Brookline District Court next to the Police Department building.

There has been much public attention directed towards police serving or executing a search warrant on the wrong home such as in the case of Breonna Taylor who was killed by the police in Louisville, KY. The Manual advises and directs the Brookline officer: “In executing a search warrant when visibility is poor, such as in the nighttime, heavy rain or foggy conditions, all due care shall be taken to avoid any possibility of error”; “[u]pon arrival, again check to make certain that the premises are in fact those described in the warrant”; and “officers shall first knock, identify themselves as police officers, announce that they have a warrant to search the premises, and demand entrance” to give the officer “an opportunity to be certain that the correct premises will be searched”.

According to the BPD’s institutional memory, the only case of use of a no knock search warrant in the last 5 years occurred in April of 2019. The warrant was a search warrant for an address in Roslindale where the suspect in an armed home invasion was staying. During the home invasion, the alleged victim was assaulted with shotgun. The suspect party had been on a GPS monitoring bracelet at the time of the alleged crime. The affiant for the search warrant was a Brookline Detective. The no knock warrant service was executed by the Boston Police SWAT team given the nature of the crime, the use of a firearm and the court-involved background of the suspect. There was pre-planning in conjunction with the Boston SWAT that resulted in this approach. The no knock warrant was served. The suspect was taken into custody. A sawed off shotgun was recovered along with other evidence. The suspect arrested for this alleged crime was a Latino male.

For no knock warrants, if the officer has probable cause for a no Knock warrant to be issued, the officer consults with a Special Response Team (SRT)[76] Commander or Supervisor to determine if the SRT should be used in serving the no knock warrant. According to the Manual, even if the search warrant issued by the court permitted the officer not to knock, and circumstances for the no knock and announce provision are no longer present when the warrant is executed, the knock and announce rule must be followed.

According to the Manual, "Every search warrant issued and any action taken on such warrant should be recorded by issuing an incident number, logging it in the CAD system, and subsequently by submission of a written report." In practice, the BPD does follow that portion of the Manual but is unable to retrieve the search warrant information in the CAD system, which is not easily searchable. The Brookline Municipal Court keeps a handwritten court log record, however.

The BPD could not respond to an inquiry by the subcommittee for information about the numbers of search warrants issued annually, the race of the individuals subject to the search warrant, the types of premises or evidence sought in the warrant, and number of no knock or night time warrants applied and/or executed. The BPD obtained the numbers of search warrants from the Clerk-Magistrate's office at the Brookline District Court.

[76] "Special Response Team Officers are specially trained to perform high-risk operations that fall outside the training and capabilities of regular Officers." "SRT Officers work as a team to bring the safest possible conclusion to the most dangerous situations while honoring the sanctity of life" See Manual, Section II, Duties by Rank and Assignment, Special Response Team Officer.

Year	Number	Number & Type of Search Warrant	Number of Unknown Type of Warrant
2015	13	13 Administrative data from keeper of records	0
2016	57	49 Administrative data from keeper of records	8
2017	49	40 Administrative data from keeper of records	9
2018	59	51 Administrative data from keeper of records	8
2019	84	76 Administrative data from keeper of records	8
2020[77]	57	47 Administrative data from keeper of records	10

Annual number and types of search warrants by BPD from Brookline District Court records

After the Subcommittee's search warrant data request, the BPD has suggested that record keeping part of the Manual be updated so that the search warrant data can be more readily retrievable. In addition, the BPD has recommended that the Search Warrant part of the Manual be updated to include procedures for administrative warrants. With so many administrative warrants, there is no specific guidance in the Manual. The Subcommittee will undertake to propose an update to General Order Number: 23.1 relating to Search and Seizure for adoption by the Select Board.

Regarding the numbers of administrative warrants, the vast majority of them are for criminal investigations. However, the numbers are not an accurate reflection of the numbers of cases initiated by the Department. Over the last several years, the Department has seen an increase in cyber crimes and financial crimes. These types of cases rely on the Department to obtain information from a number of sources, including

[77] Through December 2, 2020

computers and cell phones containing digital data or electronically stored information. In order to investigate a crime involving threats over the internet, the Department not only has to submit a search warrant application for the device, cellphone or computer or both, but also additional applications for various applications contained on the cellphone or computer. One case could involve multiple administrative warrant applications as the person under investigation may have used various social media such as “Facebook”, 'Instagram", “WhatsApp" and other applications to allegedly commit the crimes. The administrative warrants to the "keeper of the records” are directed to the companies owning the specific applications used to facilitate the alleged crime under investigation.

The Police Reform Law did restrict the ability to obtain no knock warrants[78]. Most search warrants can be issued by a clerk-magistrate of the court. Now a “warrant that does not require a law enforcement officer to knock and announce their presence and purpose before forcibly entering a residence shall not be issued except by a judge”. The affidavit supporting the request for the warrant must: (i) establish “probable cause that if the law enforcement officer announces their presence their life or the lives of others will be endangered”; and (ii) include “an attestation that the law enforcement officer filing the affidavit has no reason to believe that minor children or adults over the age of 65 are in the home, unless there is a credible risk of imminent harm to the minor or adult over the age of 65 in the home.”

The Police Reform Law requires that a “police officer executing a search warrant shall knock and announce their presence and purpose before forcibly entering a residence” unless a no knock and announce warrant was authorized. Unless “to prevent a credible risk of imminent harm”, a police officer must comply with these new requirements of the Police Reform Law. “Evidence seized or obtained during the execution of a warrant shall be inadmissible if a law enforcement officer violates this section.”

[78] Section 9 of Ch. 253 of the Acts of 2020 changes Chapter 276 Section 2D(a).

RECOMMENDATION

A. Review and update, if necessary, the existing General Order Number: 23.1 relating to Search and Seizure which includes searches with a warrant to ensure that this order is sufficient to provide guidance to officers in the area of searches with a warrant, and that the Order is in compliance with any changes or recommendations that were in the Act and accepted by the Select Board.

B. The Police Department should design a tracking system that accounts for all search warrants obtained from a court. Categories to be included are:

a. Brookline Police case#
b. Date the search warrant was issued and date served.
c. Type of search warrant.
d. Type of premises or object searched.
e. Type of crime involved.
f. The object/s of the search.
g. Type of evidence seized.
h. Race and gender of the person of interest.
i. Race and gender of property owner /renter if different from h.
j. If no-knock warrant was sought, was this provision used?
k. If a nighttime warrant was sought, was this provision used?
l. Any impoundment order and its expiration date.

VIII. SUMMARY OF RECOMMENDATIONS

The following summary of recommendations is provided as an abbreviated version of the recommendations made in the body of this report. The page references associated with the recommendation will provide more information or better explanation in support of a recommendation.

A. The Police Commissioners Advisory Committee (PCAC proposal of the Accountability subcommittee should be adopted as soon as possible by the Select Board; the PCAC will be essential to address some of the following recommendations, which will assume that the PCAC is adopted.

B. The PCAC when established

1. Review and investigate apparent disparities between nonresidents and residents, and between White nonresidents and Black nonresidents. P. 37.
2. Consider solutions to increase capacity for additional data entry and generation for traffic stops, traffic crashes, and traffic enforcement within the BPD by including in the Town budget: additional staff time, additional analytical staff to focus on traffic analysis, and the addition of IT staff to the Department for database management, analysis and automation to better manage the enormous volume of data it collects and to determine if racial disparities exist in the delivery of police services and monitor racial profiling and resident versus nonresident disparity, P. 38-40.
3. Integrate disparities data into specific policy reforms, including improving supervision, accountability, incentives, and disincentives. P. 40.
4. Approve the funding of an updated accurate benchmark study or studies to determine the driver population estimate (DPE) for traffic stop data evaluation by means of a windshield or observational study, or crash data study, or both, to be done by an institution like Northeastern University when the traffic in and around Brookline has returned to normalcy to accurately determine the extent of disparate treatment and to measure the effectiveness of any changes in policing over time. P. 38.
5. Revise or update Manual

a. To weave throughout the Manual the commitment of the Department to upholding civil liberties and ensuring racial equity in its activities with mindfulness, during an officer's day to day activities, of the racial injustices and inequalities that exist for BIPOC in America today. P. 40.
b. To specifically review (i) General Order Number: 23.1 relating to Search and Seizure which includes searches with a warrant to ensure that this order is sufficient to provide guidance to officers. P. 54 (ii) the provisions concerning officer discretion relating to traffic citations, (iii) General Order Number 42.0 Special Operations/V.I.P. Security to ensure it is sufficient to guide the actions of the Officers during certain mass events. P. 54-55
c. All General Orders to be in compliance with any changes or recommendations as set forth in the Police Reform Law. P. 3, 55.

6. Review and formulate policies and criteria for the increased use of discretionary diversion, both before and after arrest, in criminal matters for both juveniles and adults to guide the discretion of the police prosecutor. P. 56.

C. BPD

1. Work with the PCAC and the Town's Community Engagement Strategist to present its extensive published racial/gender disparities data to the public to (a) explain the data and how it's used to identify and reduce racial disparities and (b) provide factual transparent information to promote trust between the BPD and the community. P. 37-38.
2. Continue to break down traffic stops, the FIs and arrests by race and by residency to address and monitor racial profiling and nonresident and resident disparities. P. 38-40.

3. Have line supervisors conduct a regular review of the activity of officers under their command relating to field interviews, moving violations and arrests with consideration given to whether there are potential disparities in their enforcement and addressing any areas of concern they find. P. 40.
4. Improve procedures for suspicious person/activity calls for dispatchers, Patrol Supervisors and officers. P. 44.
5. Design a tracking system that accounts for all search warrants obtained from the court. P. 61-62.
6. Require any outside law enforcement official assisting the BPD to conspicuously display at all times a clearly identifiable Department insignia such as a badge, patch or Department name on the exterior of any clothing, uniform or gear/equipment to enable any person to ascertain the identity of the official. P. 54-55.
7. Discuss whether to enter into a new model school resource officer (SRO) memorandum of understanding (MOU) with the school department for implementation starting in the 2022 school year together with special certification of any designated school resource police officer by the Massachusetts Peace Officer Standards and Training Commission. P. 55.

Subcommittee on Community Outreach, Youth and Non-Traditional Roles

Outline of Contents

I. Introduction
II. Homelessness
III. Walk and Talk Unit at Brookline Housing Authority
IV. School Resource Officers
V. Crisis Intervention
VI. Emergency Management, Civilian Mobilization and Preparedness Training
VII. Domestic Violence
VIII. Recommendations
IX. Supporting Documents and Materials in Appendix D to the Report

I. INTRODUCTION

The Subcommittee on Community Outreach, Youth and Non-Traditional Roles (the "Subcommittee") consists of the following members of the Select Board's Committee on Policing Reforms: Bernard Greene, Casey Hatchett and Michael Zoorob and supported by Advisory Committee Member Janice Kahn and Retired Brookline Police Chief Daniel O'Leary and Office of Diversity, Inclusion and Community Relations (ODICR) staff liaison Caitlin Starr.

The Subcommittee identified the following areas of work within the Brookline Police Department as its primary focus: Homelessness, the Walk and Talk Unit, School Resource Officers, Crisis Intervention, Emergency Management and Domestic Violence.

To start, the Subcommittee would like to thank the many members of the Brookline Police Department who provided testimonials as to their work, insight into various programmatic areas, written fact sheets, educational videos and support in the compiling and analysis of data and resources. Thank you also to many members of the Brookline community who spoke at our joint hearing, responded to our survey, reached out to Subcommittee members and wrote letters and gave testimonials on their experience with the Brookline Police Department and program areas under our Subcommittee's review. Also, thank you to staff and residents at the Brookline Housing Authority, Caitlin Starr at the Office of

Diversity, Inclusion and Community Relations, and Paul Scarborough from Town Hall for their assistance with our survey.

The following are our programmatic overviews, findings and recommendations for each of the areas based on what we learned and what we heard:

II. HOMELESSNESS

The Subcommittee of Community Outreach, Youth and Non-Traditional Roles heard from Lieutenant Jen Paster, Sergeant Casey Hatchett and Officer Joe Amendola who gave an overview of homelessness in Brookline and current support systems in place. Based on what we learned, it is clear that a more robust system needs to be put in place. Currently, the Police Department is the central location for assisting homeless on the street and for fielding and mitigating public health, sanitation and quality of life concerns of residents. The Brookline Department of Public Works has been a great assistance to the Police Department when encampments overrun an area and become a public health and sanitation issue; and the Brookline Center assists residents at risk of being homeless or those who are homeless but housed in a program. We learned that this fall, residents called the Brookline Police Department more than 100 times asking for help mitigating a situation with one specific homeless individual who was residing on the sidewalk; most calls involved sanitation issues and obstructing the sidewalk due to the collection of items the individual was accumulating.

In a recent overnight count, Brookline Police identified 11 individuals who were experiencing homelessness that night. In recent weeks, the Department has reported they have seen several new homeless individuals coming into Brookline, a couple of whom are younger adults. Officer Joe Amendola, who has served as the Police Department's liaison to homelessness issues since August 2020, has been working with the homeless in Brookline throughout the winter ensuring they have warm clothes, hats, gloves, socks, etc. He recently ran a collection to ensure he could provide warm, dry clothing to individuals in need. Officer Amendola checks in on several individuals daily and recently had success with one man who finally agreed to get help with finding housing and services. Officer Amendola is working with the Department of Mental Health and the Brookline Community Mental Health Center to access services for individuals experiencing homelessness in Brookline. He fields calls from the community regarding public health, sanitation and quality of life issues and is attempting to balance the needs of the underhoused in Brookline while addressing the concerns of impacted residents and businesses.

We recommend that the Town of Brookline develop a Task Force on Homelessness which consists of representatives of the Brookline Police Department, Department of Public Health, Department of Public Works, the Brookline Community Mental Health Center, Veteran's Affairs, the Brookline Library and a Town constable; and we are happy to report that this Task Force is now underway and has met once already. At that meeting, the Task Force attempted to identify an agency who could assume the primary lead position on homelessness issues. None of the agencies indicated they were able to do that. For the time being, the Police Department will remain the primary point of access for assistance and Officer Joe Amendola continues to work with homeless individuals and the myriad of issues they face on a daily basis until a more suitable solution is found. We also recommend that the Task Force meet regularly (such as every four - six weeks).

Increasing access to public restrooms is one concrete step the Town could take to improve the quality of life for homeless residents and mitigate some sanitation issues associated with homelessness. We explored the "Portland Loo" model of outdoor restrooms used in many cities to address the absence of restrooms for use by homeless individuals. The "Portland Loo" is marketed as a self-cleaning and highly resilient outdoor restroom facility with certain design features intended to mitigate gravity and drug use. There are multiple such restrooms in Cambridge, Massachusetts, in locations with significant street presences of homelessness and shelters. Of course, the Portland Loo might also provide a useful resource for residents, employees, and customers who are not homeless. We recommend that the Task Force on Homelessness continue to explore the feasibility and siting of such public restrooms.

Additionally, we recommend that the Town fund a new staff position (full or part time, through town funds or a grant) to be the primary person to manage homelessness issues in Brookline. This position would be someone who can do wellness checks/street outreach and also long term problem solving to address both the needs of homeless individuals (who often have a multitude of medical and mental health issues) and to also address the public health, sanitation and quality of life concerns often caused by homeless encampments. Because homelessness is not a crime, and homelessness often coexists with mental health needs, it is the initial recommendation of this Subcommittee that this position sit in the Public Health Department, rather than the Police Department.

III. WALK AND TALK OFFICERS

WHAT WE LEARNED:

From the Brookline Police Department Walk and Talk Fact Sheet (see appendix):

"The Brookline Police Department (BPD) has a long history of working in partnership with the Brookline Housing Authority (BHA) and their residents. Specifically, since 1992, the "Walk and Talk" Program has been a BHA/BPD partnership in which officers are assigned as liaisons to BHA residents and staff to establish relationships with residents and assist residents and staff with problem solving, quality of life issues, and to promote safety and wellness. The ten BHA properties are located all across north Brookline. There are approximately 2,500 residents living at their properties.

"Walk and Talk Officers serve as liaisons between the BHA and the Police Department and other entities within the Town. To many residents, these officers are a reliable, trusted source of support and assistance. Walk and Talk Officers respond to direct requests for assistance and general calls for service at the ten different BHA properties and conduct follow-ups for prior calls for service which occur while they are not working. Having officers who are known to, and trusted by, many of the BHA residents helps ensure the most positive outcomes when dealing with often difficult and delicate issues that residents may contact police for assistance with.

"The Brookline Police Department's Walk and Talk Unit consists of three highly trained and dedicated officers. The Unit works in conjunction with BHA as a whole as well as each individual property manager to collaboratively solve problems as they occur and provide guidance when necessary. They often work to connect the residents to services and resources in the community. All Walk and Talk Officers are CIT (crisis intervention) trained and are able to follow up with and assist juvenile and adult CIT clients who are BHA residents.

"In addition to working with the BHA, the Walk and Talk Unit aims to build strong bonds and connections with the Town's youth. They do this by participating in events at Brookline High School, the Brookline Teen Center, and being visible and approachable at the Town's various parks and playgrounds. These connections allow them to support youth who may be in need of assistance or early intervention. They regularly work with the schools, BHA families and the Brookline Teen Center to offer services and support for their youth."

The Subcommittee's Evaluation:

The Walk and Talk Unit currently has three officers assigned – Officer Timothy Stephenson, Officer David Pilgrim and Officer Kristin Healy. These officers are assigned to the 3:30 pm to 11:30 pm shift and their time is divided between 10 properties, community events, the Teen Center, and assignments like assisting the Food Pantry, participating in events with the Special Olympics program at Brookline Recreation and birthday party car parades, pumpkin painting, library talks, etc. Over the last six months, the Walk and Talk Officers have transitioned to "soft uniforms," which are considered more approachable, less intimidating and more functional (for pick-up basketball games, pumpkin painting, loading and unloading food at the pantry and other activities).

In the absence of the Walk and Talk program, police would not disappear from BHA properties. Those properties would be covered by the regular sector patrol officers as they are now during periods other than 3:30 pm to 11:30 pm and as they cover other neighborhoods in all parts of Brookline. During the 3:30 pm to 11:30 pm period, the BHA properties would not have the benefit of officers with specialized training, long term relationships, and the ability to handle traditional policing matters in innovative ways that can better lead to outcomes outside of the criminal justice system. Also, without the Walk and Talk officers who are able to build trust and legitimacy in the BHA community, residents may be reluctant to reach out for help or share information that may be critical to the health and safety of their family or larger BHA community.[79] At this time, residents will often share tips and information with Walk and Talk officers because of the pre-existing relationships that exist. For example, last year BHA residents called the personal cellphone of a Walk and Talk officer to provide information about a murder.

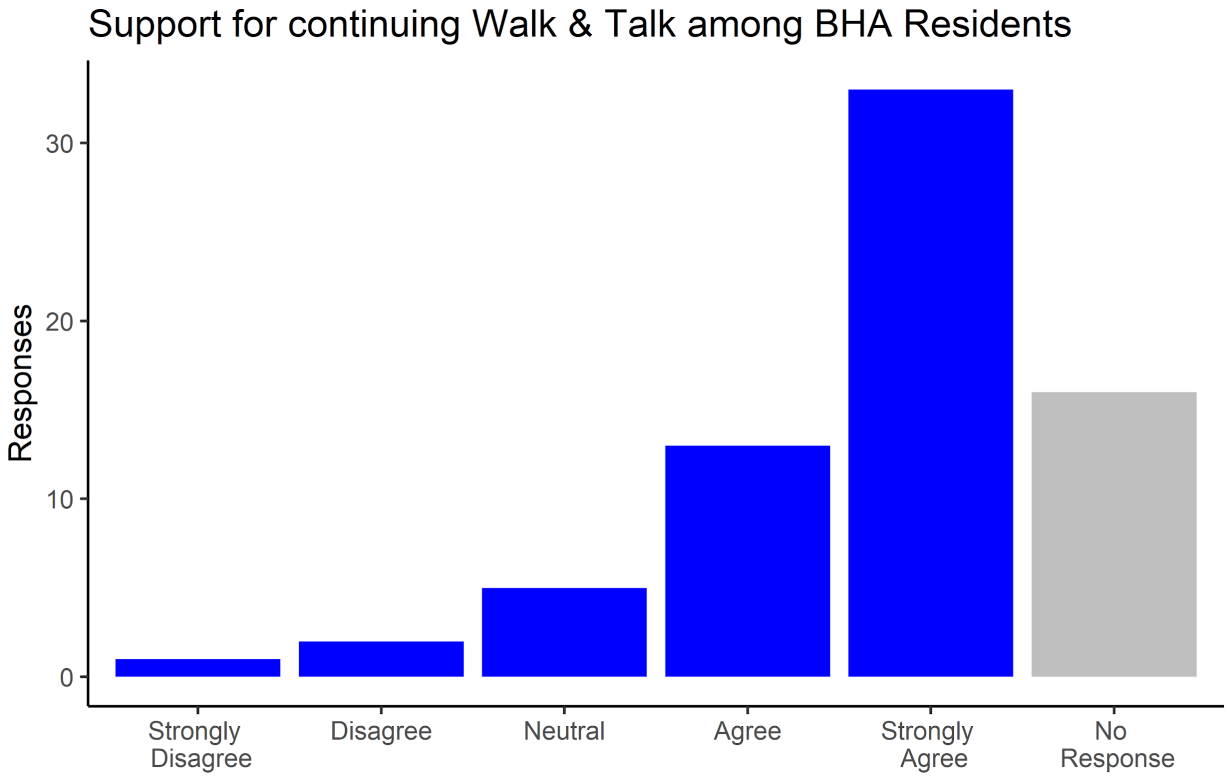
What remains outstanding in our understanding of the Walk and Talk program are the following: 1) Developing and formalizing the goals and objectives of the program. The work of the unit has organically evolved over its 30 year existence and there is no formal documentation/agreement between the BPD and BHA about the program. 2) Annually BHA gives $15,000 to the BPD for the Walk and Talk program; and there is no formal guidance as to the uses of these funds by the BPD. 3) Lastly, during the 30 year history of the program, it does not appear that, prior to the survey developed by this subcommittee, there were any formal surveys or focus groups were held to determine if the Walk and Talk program was/is meeting the needs of residents. We want to ensure that mechanisms are instituted for BHA residents to provide feedback regularly about public safety and their interactions and relationships with the BPD.

[79] For a discussion of how contact with police in nontraditional settings can build trust, see Peyton, Kyle, Michael Sierra-Arévalo, and David G. Rand. "A field experiment on community policing and police legitimacy." Proceedings of the National Academy of Sciences 116, no. 40 (2019): 19894-19898.

WHAT WE HEARD:

The Subcommittee, with the assistance of the Office of Diversity, Inclusion and Community Relations (ODICR) and Brookline Housing Authority, conducted a survey of BHA residents about the Walk and Talk Unit (see Appendix). It was a paper survey, mailed to each household and translated into Haitian Creole, Spanish, Russian and Chinese. Caitlin Starr of the ODICR assisted with the collection, data entry and analysis of the returned surveys. Her analysis and the raw data are attached to this report. There were 770 surveys delivered, one to each household, and 70 returned, for a 9% response rate. Below are some highlights of survey results:

FIGURE 1: Survey results regarding continuing the Walk & Talk Program



- Of the 70 returned surveys, 54 included an answer to the question "I want the 'Walk and Talk' program to continue in Brookline Housing Authority" while 16 left the question blank. Of the 54 responses, 2 strongly disagreed (3.7%), 1 disagreed (1.9%), 5 were neutral (9.3%), 13 agreed (24.1%), and 33 strongly agreed (61.1%). Hence, about 85% of respondents who shared their opinion wanted the program to continue, 10% were neutral, and 5% did not want the program to continue. Responses are shown in Figure 1.

- 41 respondents indicated that they were 65+. Of these 41, 29 respondents answered the question about the program continuing; 2 strongly disagreed that the program should be continued (6.9%), 0 disagreed, 1 was neutral (3.4%), 7 agreed (24.1%), 19 strongly agreed (65.6%). Hence, about 90% of the senior respondents wanted the program to continue, 3% were neutral, and 7% did not want the program to continue.
- 24 respondents indicated that they were between the ages of 18 and 64 (5 respondents did not indicate their age). Of these 24, 22 respondents answered the question about the program continuing; 0 strongly disagreed that the program should continue; 1 respondent disagreed that the program should continue (4.5%), 3 respondents were neutral (13.6%), 5 respondents agreed (22.7%), and 13 strongly agreed (59%). Hence, about 85% of the non-senior respondents wanted the program to continue, 15% were neutral, and 5% did not want the program to continue.
- Of the 14 respondents who identified as Asian, 9 responded to the question about the program continuing; 1 strongly disagreed, 0 disagreed, 1 was neutral, 4 agreed, and 3 strongly agreed that the program should continue. Of the 6 respondents who identified as Black, 4 responded to the question about the program continuing. 3 strongly agreed the program should continue and 1 agreed the program should continue. Of the 6 respondents who identified as Latinx/Hispanic, 5 responded to the question about the program continuing. All 5 strongly agreed the program should continue. Hence, of 18 people of color who responded to the question, 1 strongly disagreed with the program continuing, 0 disagreed with the program continuing, 1 was neutral, 5 agreed, and 11 strongly agreed with the program continuing. About 90% of people of color who responded wanted the program to continue, while 5% were neutral and 5% did not want the program to continue.
- 75% of the survey respondents who provided an answer felt satisfied or very satisfied with the professionalism of the officers (n=30).
- A majority of residents agree or strongly agree that the officers have a good relationship with the residents, feel the program makes BHA communities safer, and would like to see the program continue.
- Most respondents feel comfortable by the presence of the officers in BHA housing.
- Across the board, survey respondents indicated they would like to see the presence of the Walk and Talk officers remain the same or increase at the events held within BHA residencies. Most respondents indicated they would like to see an increase in the number of officers in the Walk and Talk program.
- Qualitative data provided many positive sentiments about the officers, naming and thanking some of them individually. Some of those comments included "They are kind in times of crisis - nonjudgmental to my family" and "I think as a BHA resident,

the "Walk and Talk" program should stay because it's a great program specially for our kids. Officer Tim is a great person and the kids and us love him. All Officers are wonderful and so helpful for our community."

- There were a significant number of responses saying they were unfamiliar with the program and/or would like to learn more about it. There were also a large number of respondents who left blank questions about the program.
- In open-ended fields, some respondents indicated they enjoyed the program but wished there were more interactions and community engagement with the officers. For example, one respondent said "The officers should engage more with members of the community directly and not simply 'drive through' the BHA" and "I feel it's important for them to be just 'hanging out' in a fun friendly manor [*sic*] at family and youth events, so that their presence in the community isn't feared or looked down upon."

Comparing BHA resident demographics with survey respondents:

- BHA records indicate that 56% of BHA residents identify as white, 25% identify as Black/African-American, 14% identify as Asian, and 15% identify as Latino/Hispanic. Among respondents who indicated their racial identity, 51.6% identified as white, 9.7% identified as Black, 22.6% identified as Asian, and 9.7% identified as Latino (6.5% of respondents identified as something else). Hence, responses underrepresented Black and Latino residents. The Subcommittee would like to see additional outreach to BHA residents of color to further ascertain perceptions of the program.
- 66% of BHA residents identify as female and 34% identify as male. Survey respondents generally matched BHA demographics with respect to gender.
- In regard to age, 56% of BHA residents are 65 or older. Survey respondents were fairly similar to the BHA population with respect to age (63% of respondents who provided an age indicated they were 65+).

The Subcommittee noted that the survey could not capture the voices of youth living in Brookline Housing Authority or youth more generally who interact with Walk and Talk Officers. Currently, the Subcommittee, working through Caitlin Starr, is looking to interview/survey youth in collaboration with the Brookline Teen Center.

Also, given the number of respondents who had a lack of knowledge about the Walk and Talk program though answered favorably about the officers, it seems that many residents just see the Walk and Talk Officers as Officer Tim, Michelle, David and Kristin and were not aware that they were part of a named program.

Additional outreach about the program may be important so that all residents know about the multitude of resources available through the program. These issues will be addressed in our Subcommittee's recommendations.

The Walk and Talk Officers produced a video for the Subcommittee (shared with the larger committee and the community via the Department website and social media) in which they introduced themselves and the work they do. That video can be found at: https://www.youtube.com/watch?v=1fcf34Z68uo

Additionally, Brookline Housing Authority Assistant Director and Director of Management, Matt Baronas, was interviewed by the Walk and Talk Subcommittee of the Task Force to Reimagine Policing in Brookline on January 19, 2021. Mr. Baronas, who has worked for BHA for more than 30 years, spoke favorably of the Walk and Talk Program and the work the officers do to support residents. He outlined how the Walk and Talk Officers are part of the "social service fabric" of BHA and that the program is in line with their goal to provide residents with all the resources possible to help them overcome economic and other disadvantages. He discussed that Walk and Talk officers have helped divert youth from the criminal justice system, how they are involved with youth leadership and mentoring, and how they have needed contacts within agencies that can support residents – like the Council on Aging and Brookline Community Mental Health.

When asked about complaints he has received about the Walk and Talk program and/or Officers over the last thirty years, Mr. Baronas replied that he cannot recall any complaints from residents about the Walk and Talk program or officers – not directly from residents, not through his staff and not through a Commissioner of the Brookline Housing Authority Board. For more insight from Mr. Baronas, this interview can be viewed at: https://www.youtube.com/watch?v=eJUwrYH7HOE

The Walk and Talk Subcommittee of the Task Force to Reimagine Policing hosted a public hearing on the Walk and Talk Program on February 3rd at which only one resident spoke and was in support of the program, stating: "I hope that people are understanding if it wasn't for the Walk and Talk program, I wouldn't have even wanted to live here."

The Walk and Talk Subcommittee of the Task Force to Reimagine expressed concerns about the program, stating some residents feel uncomfortable and/or fearful seeing police officers. Our subcommittee appreciates that concern and agrees that residents should feel safe and comfortable in their homes. As such, our recommendations will address additional outreach to residents of color and youth to learn more about their experiences and also recommend that the BPD, working with BHA, try to open up greater lines of understanding and communication between members of the BHA community and the Brookline Police.

The Subcommittee has found the discussion around "constant surveillance by the Walk and Talk Unit" is not borne out by the actual presence of Walk and Talk officers. Currently, the BPD only staffs the Walk and Talk Unit eight out of 24 hours a day, and those officers are spread out among ten properties, the Teen Center and many other community service functions (like working vaccination clinics, birthday parades, food pantry volunteering, assisting with community events, etc). Their function is not one of "patrolling" or "surveillance" but rather responding to calls from BHA residents requesting police assistance, conducting follow-ups after such calls, and visiting with residents/families they have relationships with. Walk and Talk Officers do perform some traditional law enforcement roles; they will conduct investigations when crimes are committed on BHA property (ie, when a BHA resident is a victim of a crime or a BHA resident is committing crimes on the property) but those crimes would be investigated regardless of the Walk and Talk program. Calls for service also will be serviced at BHA properties regardless of this program. The Subcommittee did not believe that a revolving door of officers would respond to problems as effectively as do the Walk and Talk Officers, who have developed knowledge, experience, and relationships with residents.[80]

The Subcommittee hears the concerns raised about the perceptions of having a police presence around the BHA community and appreciate that not all residents welcome the program. This is where we believe the BHA/BPD partnership should focus their efforts to improve the program.

WHAT WE RECOMMEND:

Based on the feedback from the surveys, interviews conducted, commentary made by residents of BHA and information learned about the functioning of the Walk and Talk Program, the Subcommittee makes the following recommendations (also included in "Recommendations" at the end of this report):

- That the BPD and BHA assess whether there is a need for additional Walk and Talk services or other social service support that would focus on supporting the 56% of BHA residents who live in elderly housing, as well as younger residents in handicap units, and to provide services during a longer period of the day.
- The Subcommittee conduct outreach to youth via Teen Center and BHA focus groups to ensure Walk and Talk/ youth interactions are meaningful/wanted and to receive input and suggestions from youth and BHA focus groups.
- A joint mission statement on the goals/objectives of the Walk and Talk Program between BHA/BPD be adopted

[80] See, for example, the discussion of "officer exceptionalism" in perceptions of police among residents of subsidized housing in Bell, Monica C. "Situational trust: How disadvantaged mothers reconceive legal cynicism." Law & Society Review 50, no. 2 (2016): 314-347.

- The BPD commit to annual surveys on the program and specific topics to ensure the Walk and Talk program is meeting the needs of residents (BPD to conduct with assistance from BHA and the Town's Office of Diversity, Inclusion, and Community Relations, without overburdening BHA)
- Walk and Talk and BHA management conduct focus groups with residents and increase community meetings (preferably in person, post-COVID) with residents, including youth, staff and Brookline Housing Authority Board members.
- Walk and Talk develop a brochure/handout that BHA can share with residents which introduces the officers, their services, their contact info and the stated mission statement of the program. There can also be a link to the new Civilian Feedback Form being recommended by the Committee.
- Recommend to the Town Administrator that the Town absorb the costs associated with the payment of the $15,000 annual payment by BHA to the BPD for Walk and Talk programs, events, supplies and other expenses.
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IV. SCHOOL RESOURCE OFFICERS

WHAT WE LEARNED:

From the Brookline Police Department SRO Fact Sheet (see appendix):

"The Brookline Police Department has a long history of working with the Public Schools of Brookline to support students and to work collaboratively to ensure positive outcomes for our youth. From the early days of the DARE program to the BHS Citizen Police Academy to coaching sports and teaching in Health classes, the BPD has been an important part of educating students and other youth in Brookline for decades.

"There are eight elementary schools in Brookline and Brookline High School (BHS). Brookline Public Schools report that there are 1,781 students enrolled in the middle school grades for the 2019-2020 school year and 2,083 students enrolled at Brookline High School.

"The Brookline Police Department currently has three school resource officers (SROs) assigned to work with the eight elementary schools in Brookline and one SRO for Brookline High School. The SROs work in conjunction with school administration and guidance staff, including counselors and social workers, to support students and provide appropriate direction. They often work to connect the school and students (and their families) to services and resources in the community. They do not serve as disciplinarians nor do they enforce school regulations.

"Middle School SROs (formerly referred to as AWARE/DARE officers): Katie McCabe (& Bear, the Comfort Dog), Donal Kerrigan and Joe Amendola

"High School SRO: Kaitlin Conneely"

IMPORTANCE OF SROs

While many of the activities of the SROs in the schools may appear to be activities that can be undertaken by non-uniformed personnel, such as social workers or counselors, there are good reasons for the SROs to be involved.

Some activities are better performed by uniformed officers for the protection of the students and the community because of their training or the unique relationships the police have with other law enforcement agencies and the courts, schools, and social service agencies. Some examples are: (i) relationships with students, parents, schools, and the courts give the police, including the SROs, the ability to divert juveniles involved in minor law-breaking from the criminal justice system; (ii) using the police department's knowledge of and engagement with criminal activity that targets youth, such as cyber-crime, predatory stalking of students, sales or distribution of illicit drugs and alcohol, gang activities, and other criminal undertakings, is only possible if police are taking the lead role and have relationships with students before problems arise; (iii) police have relationships with social service, mental health, and medical agencies and can identify and respond to minor problems early before they become significant law enforcement problems; (iv) police are uniquely positioned to provide safety and security teachings and trainings in anticipation of possible active shooter or other safety risks in the schools; and (v) police officers at school dances and other activities provide protection to students if there are problems from other students or other persons.

Non-uniform personnel, such as social workers or counselors, may be appropriate for certain other tasks now performed by uniformed officers, but only after careful review of the support needs and resources currently provided to such personnel, including police backup.

Finally, most activities of SRO officers help to develop relationships between schools, students and parents and the police department that serve general Town-wide purposes. It is a benefit to the community for students from the elementary years through high school to know and understand the work of law enforcement and develop relationships with police officers that can provide guidance and support for positive behavior.

SROs IN THE SCHOOLS

All SRO officers are National Association of School Resource Officers (NASRO), ALICE (Alert, Lockdown, Inform, Counter, Evacuate Active Shooter Training for Schools) & CIT (Crisis Intervention Team) trained:

- SROs are trained and follow up on juvenile CIT clients
- SROs continue to work with the schools, families and the Brookline Center to offer services and support for their students

School Resource Officers - Enforcement, Diversion and Arrests:

- Middle Schools – NO arrests have been made of elementary/middle school students by the SROs and two middle schoolers have been entered into the Diversion Program in the last years
- BHS – NO arrests, three youth summoned to court and ten youth diverted from the criminal justice system into the Diversion Program since March 2019 when the HS SRO Program began (March 2019)

Like the Walk and Talk Officers, the School Resource Officers have transitioned to "soft uniforms" which are considered more approachable, less intimidating and more functional (for athletics, sitting on small chairs/activity mats in classrooms, and other activities).

MIDDLE SCHOOL SROs

The Middle School SROs taught roughly 210 Aware Classes to middle schoolers last year. These classes consisted of: Cyber-Awareness, Substance Use & Addiction and Healthy Relationships

Other Middle School SRO-School involvement:

- SROs attend the Raft dances that are held once a month during the school year
- SROs participate in gym classes where they interact with students and participate in activities
- SROs attend open houses during and at the beginning of the school year
- SROs assist with the end of the year school graduations
- SROs participate in open discussion groups with families regarding vaping
- SROs have been asked to assist with grief counseling following various tragedies
- SROs are a resource for school guidance counselors and administration who have concerns about students

- SROs coordinated and delivered safety and security trainings (i.e., active shooter) for all BPS schools
- SROs have been instrumental in assisting schools with locating students who have eloped from the school campus
- SROs assist the schools with shelter in place incidents and evacuations (drills and actual)
- SROs staff the morning and afternoon traffic posts for various schools
- SROs are asked to provide assistance and support to families whose students have an aversion to attending school

Out of School Involvement:

- SROs coordinate and run an annual Summer Program
- SROs teach safety classes at daycare centers around Town
- SROs assist with Special Olympics and Recreation Department programs
- SROs have been a part of meet and greets with several programs in town including BEEP, the Rise Program, the therapeutic and adaptive learning centers
- SROs have taught classes at several religious schools in Town
- SROs have assisted staff and students at the Bay Cove Academy with several classes and behavioral issues
- SROS attend out of school events in support of their students, such as the annual Spelling Bee, Brookline Day, sporting events, student rallies, Boy/Girl Scouts, bike parades and school fun runs, etc.
- During COVID, SROs have continued to support students and their families and have worked with school counselors and administrators to address concerns they have about students

BROOKLINE HIGH SCHOOL SRO

SRO Kaitlin Conneely has been assigned to the BHS since March 2019. She has established very close relationships with students and faculty and has continued to support both during COVID. SRO Conneely's role at BHS is to work with students and staff to ensure the most positive outcomes for youth at BHS. The Memorandum of Understanding (MOU) between the Public Schools of Brookline and the Brookline Police Department is attached.

BHS SRO-School Involvement:

- Coordinating the annual BHS Citizen Police Academy
- Attending school events and activities in support of students, such as the Powder Puff game, graduation, the Lunar New Year celebration, student rallies, sporting events, etc.
- Morning and afternoon traffic posts
- Participates in regular meetings with Deans and the weekly Roundtable (a meeting of key BHS stakeholders to address emerging issues/concerns)
- Meets with students and parents/guardians to assist with concerns that they or the school may have
- Assisting with the BPD Summer Program
- Assisting with Special Olympics events and supporting athletes
- Assisting with the planning and implementation of the 2020 BHS Graduation Ceremony

STATE LAW RELATED TO SROs

The Police Reform Law replaces the current Chapter 71 Section 37P with a new section 37P. The amended law does not significantly change the status of Brookline SROs or the rules governing them.

There is no longer a requirement that communities have SROs but the "chief of police, at the request of the superintendent and subject to appropriation, shall assign at least 1 school resource officer" to serve a municipality. Once the new school superintendent is in office, the BPD should have discussions with them to go through the required steps to re-authorize the SRO program. Until then, the SRO program should continue as currently operating, but with the adjustments recommended by the Subcommittee.

Brookline's current SROs are required to be certified by December 31, 2021 and all SRO are required to have in-service training relevant to working with youth.

Substantially all of the training requirements in the law have been a part of the training curriculum of BPD officers for many years. For example, training that addresses child and adolescent cognitive development, de-escalation techniques effective with youth, and appropriate interactions with persons on the autism spectrum and those with other intellectual and developmental disabilities.

The Police Reform Law establishes a commission to develop a model MOU, which is required to have certain provisions, many of which are in the current MOU between the BPD and the schools.

For example, provisions such as that the SROs shall not serve as school disciplinarians, as enforcers of school regulations, or in place of licensed school psychologists, psychiatrists or counselors. SROs are also prohibited from using police powers to address traditional school discipline issues, including non-violent disruptive behavior.

There has been some criticism in Brookline of SRO's carrying service weapons during their time in the schools. In the definition of SROs in the Police Reform Law there is an exemption from the provisions of chapter 269, section 10(j) (carrying a dangerous weapon on school grounds) while the SRO is serving in their official capacity. It should be noted that this exemption was also in Section 37P prior to its amendment by the Police Reform Law.

WHAT WE HEARD:

There was some confusion about the School Resource Officer program and how we have four SROs in Brookline. Three were previously titled "AWARE officers", and before that "DARE", and in March 2019 when the HS SRO position was created, the title of SRO was given to all four assigned to work with the schools because that title is more reflective as to the work they were doing - which was far more than teaching occasional classes.

The Subcommittee heard from BHS SRO Kaitlin Conneely at their meeting on November 20th. Officer Kaitlin Conneely talked about her work at Brookline High School. Members of the committee asked her questions about her work, such as what kind of issues students talked with her about, her role within the school, how she works in collaboration with other programs/administrators, if SROs coordinate with Boston PD. Subcommittee members asked Kaitlin for some examples of her work. She talked about the Diversionary Program with students and families. A copy of the Youth Diversion Contract is attached.

The Brookline Police Department website has a page on the SRO program which contains several testimonials about the work they do. Those testimonials can be found at: https://www.brooklinepolice.com/207/School-Resource-Officers

In his statement to the Joint Hearing of the Committee and Task Force on September 30th, Head of Brookline High School Anthony Meyer stated: "I do wish to emphasize that neither my deans nor I have heard a single complaint about Officer Conneely's work at BHS. She is committed, caring, and also able to help young people understand boundaries and ways to stay safe and out of trouble. Officer Conneely continues to collaborate with high school staff in ways that offer students diversionary paths and avoid police or legal trouble. She builds relationships with kids who don't trust easily, and that is because she is genuine and awesome. (Let me be real for a moment here: high schools are especially awesome because they see through adult BS – any and all of it – with superhero-like powers.) Our students trust Kaitlin because she is trustworthy."

The following are excerpts from a PSB Principal and Guidance Counselor as to their experience with the Middle School SROs:

Pierce School Principal Lesley Miller: "…when a child presents significant social-emotional needs that can escalate to unsafe behaviors, both officers have been willing to come to the school to provide support, safety and next steps to ensure students get the help they need from various health and social service providers. This work both fosters positive relationships between the community and the Brookline Police Department as well as provides a sense of safety to our staff and students. Especially in the culture and climate we are faced with now, this is of the utmost importance."

Lawrence School Guidance Counselor Shania Martinez: "We rely heavily on a team approach, as we all have expertise in different areas. Our classroom teachers work with a number of other adults to help provide the most robust education for the students. The team often consists of specialists within the school, but ALSO include outside providers as well. We consider outside therapists, pediatricians and the SRO's as members of our school team. For our younger students, they are so excited to have the opportunity to connect to a police officer. For our middle schoolers, they are happy to have a connection to the police. They are also very curious about the laws and benefit from having someone here who can answer all their questions."

In listening to comments made at the Public Forum of the SRO Subcommittee of the Task Force to Re-Imagine Policing in Brookline, we heard continued support from the BHS Head of School Anthony Meyer as to the presence of the SRO at BHS and how critical a member of the leadership team that officer has become. A teacher within BHS also spoke in support of the SRO program and the importance of establishing positive interactions between law enforcement and youth. Unfortunately the hearing was scheduled at 1pm on a weekday and there were no parents or students who spoke.

During the Fall, the Middle School SROs worked with the PSB K-12 Coordinator for Wellness Education, Carlyn Uyenoyama, on the delivery of the AWARE program during remote/hybrid learning. As part of that discussion, the idea to include a conversation around social justice issues was introduced by Ms. Uyenoyama as a way to address the "elephant in the room." The annual AWARE Intro letter was jointly updated to include that discussion, as well as, include COVID resources for families. It appears that the Schools and the Brookline Police recognized the importance of being sensitive to all that has transpired since last May and show their willingness to answer questions and concerns youth would have about police. That portion of the letter read: "this year AWARE Officers will also discuss issues of racial justice, policing in America and community-police relations in Brookline. We are sure your children have many questions about policing and we are prepared to have some difficult and candid discussions around

the events we have all witnessed in America this past year." These letters were distributed to parents of 6th, 7th and 8th graders, as is done each year prior to the start of AWARE classes, along with a link to a google form where parents could provide feedback and/or ask questions.

WHAT WE RECOMMEND:

The School Resource Officer Program is a multifaceted program which supports healthy, trusting relationships between police and students and supports students making healthy, positive choices. In order to address concerns raised during this process about the SRO program, we recommend the following:

- That the School Resource Officer program remain an important part of the middle and high school programs.
- The development of a general order within the BPD that outlines the School Resource Officer program and formalizes oversight, PSB involvement and requirements/limitations of the program.
- The SROs should be included in the PSB teacher training/professional development that is relevant to student safety, racial justice, bullying and social media/online usage, and additional topics as deemed relevant.
- The SROs shall attend principal meetings at least twice per year, and additionally as requested.
- The supervisor of the SROs (Deputy Superintendent of the Community Service Division or their designee) should meet once per year with the Superintendent of the Public Schools of Brookline at least once per year.
- The Superintendent of the Public Schools of Brookline (of their designee) should participate in the interview/hiring process of SRO positions.
- The SROs should host a forum for 6th grade students entering the AWARE program at the start of the program each year.
- The SRO at the BHS should continue discussions with impacted communities at the BHS regarding the location of the SRO office.

V. CRISIS INTERVENTION

The Subcommittee of Community Outreach, Youth and Non-Traditional Roles heard from Lieutenant Jen Paster who gave an overview of the BPD's Crisis Intervention Program.

Our Subcommittee is deferring to the Subcommittee on Mental Health and Substance Misuse report for history, operation, outcomes and suggestions for the BPD response to mental health crises and its Crisis Intervention Team program. Our Subcommittee supports the findings and the recommendations made by that subcommittee.

VI. EMERGENCY MANAGEMENT, COMMUNITY MOBILIZATION AND PREPAREDNESS TRAINING

The role of the Brookline Police Department in emergency management is critical to the prevention, response, mitigation and recovery from exceptional emergencies and critical incidents in our community. This Subcommittee, at this time, has no recommended changes to the current involvement of the Brookline Police in the emergency management system in Brookline or the administration of the Community Emergency Response Team (see CERT fact sheet in appendix), delivery of community education related to emergency preparedness, or work with local places of worship and other groups to establish safe and secure environments in our community.

VII. DOMESTIC VIOLENCE

Domestic violence can happen to anyone regardless of race, age, sexual orientation, religion, or gender. It affects people of all socioeconomic backgrounds and education levels. It also occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating as well as between family members. It is also a problem in the school with couples in non or quasi-intimate relationships.

Recognizing the danger posed to victims, their families and officers responding to calls for domestic violence, as well as the expediency with which a response is required in these unpredictable, volatile and dangerous situations, the Subcommittee does not recommend any changes to the current response protocols for the Brookline Police Department in the servicing of calls for domestic violence or serving of assistance for victims and their families. Officers are exceptionally well trained to respond to these difficult and potentially dangerous calls given their extensive training, especially in de-escalation of conflict, legal updates, tactical response and crisis intervention.

The most dangerous call a police officer responds to is a domestic violence call. The USDOJ has information that indicated nearly 40% of officer deaths relate to domestic violence calls, as discussed in the article below:

https://www.khou.com/article/news/local/domestic-violence-calls-proven-to-be-most-dangerous-for-responding-law-enforcement-officers/285-c7fef991-320d-4d4d-9449-2ede67c10829

The Domestic Violence Unit of the Brookline Police Department consists of a Detective Sergeant, Detective and a Civilian Advocate. The Unit regularly provides resources, support and referrals to victims of domestic violence and their families. The Unit also regularly works in coordination with the Brookline Public Schools on various issues involving students and juvenile matters. The Domestic Violence Unit also works closely with prosecutors and victim witness advocates from the Norfolk District Attorney's Office in a variety of investigations.

Some calls for domestic abuse are initiated through the 911 system, some are discovered and reported by friends, neighbors, teachers, relatives and others, and in some cases, the victim reaches out directly to the Unit for assistance/referrals, a restraining order, etc.

The Domestic Violence Unit follows up with victims to establish safety plans and coordinate further resources/supports, outside service providers, community groups. They are active participants in monthly meetings, quarterly meetings, the Brookline Domestic Violence Round Table, are members of the Norfolk County Domestic Violence High Risk Team, and establish and maintain working relationships with agencies that provide domestic violence survivor resources, area hospitals and additional community partners and resources that assist in providing safety.

Oftentimes, members of the Department or the DV unit assist in cases where there is a restraining order in effect and the defendant needs to retrieve belongings from the residence – a police officer must be present for safety and per the order of the court. The victim advocate usually coordinates with both parties and the police officer surrounding the time frame.

The following are some domestic violence related statistics for Brookline:

Domestic Violence related incidents: (*Note: not all are characterized or initially come in as domestic violence incidents)

2020 – 81

2019 – 76

2018 – 102

2017 – 84

**Also, the above figures do not reflect calls from the community inquiring about resources and victims seeking advice and information regarding the restraining orders/harassment orders and safety planning.

Restraining Orders/Harassment Prevention Orders issued out of Brookline District Court:

2020 – 92

2019 – 98

2018 – 89

2017 – 98

DEPARTMENT POLICY AND STATE LAW

The Brookline Police Department Manual General Order 33.2 outlines the policy and procedure for the Department's response to domestic violence calls.

"POLICY: Among the most difficult and sensitive calls for police assistance are those involving domestic violence. A proactive approach must focus on victim safety. The touchstone must be a policy of "zero tolerance" on all incidents of domestic violence. When responding to a domestic disturbance, officers must be both alert and impartial, and must be concerned with the needs of victims where domestic violence is apparent or alleged. At the same time, domestic violence related calls can also be among the most dangerous for responding officers, and officers must always anticipate the unexpected. What appears to be a dispute of a minor nature may quickly escalate into a conflict of dangerous proportions because of the potentially violent nature of such incidents. Domestic violence situations are often characterized by anger, frustration, intense emotion and a batterer's attempt to control household members. These feelings can easily be directed against the responding officers who can suddenly become the focus and target of ensuing violence. It is not unusual for aggressive outbursts within families to lead to serious bodily injury or even death. For this reason, whenever possible, at least two police officers should be assigned to a domestic violence situation. More information about the police response to domestic violence calls can be found at:

https://www.brooklinepolice.com/DocumentCenter/View/942/BPD-MANUAL6282017?bidId=#page=485

Additionally, Massachusetts State Law, Chapter 209A, section 6 has specific measures that law enforcement are instructed to take to ensure the safety of domestic violence victims from their abusers. These measures can be found at:

https://malegislature.gov/Laws/GeneralLaws/PartII/TitleIII/Chapter209a/Section6#:~:text=Section%206%3A%20Powers%20of%20police,means%20to%20prevent%20further%20abuse

Subcommittee on Mental Health and Substance Use Disorders*

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I. Introduction

The Mental Health and Substance Use Disorders[81]Subcommittee of the Select Board Committee on Policing Reforms is charged with reviewing and reporting on the current community resources supporting individuals in Brookline with mental health and substance use disorders during times of crisis. The Subcommittee is also charged with analyzing the role played by Brookline police during such crises and making recommendations to implement improvements at the Brookline Police Department in their provision of services for these vulnerable individuals or recommendations to engage or create alternative non-police options as appropriate. As will be apparent in this report, this will require directing some recommendations and advocacy to Town-wide and Commonwealth entities.

A key understanding that has emerged from this process is that the concept of "public safety" in Brookline needs to be broadened from Fire and Police to include Health and Human Services. The current pandemic has brought this interconnection to the forefront. A specific recommendation is to reorganize the Town's budget book, The Financial Plan, to include Health and Human Services organizationally under Public Safety, which other communities, such as Somerville, have already done. More than an organizational change in a book, however, this is a philosophical shift that represents a rethinking about the nature of public safety itself.

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Annabel Lane, LICSW
Sergeant Chris Malinn
Daniel O'Leary
Lieutenant Jennifer Paster
Richard Sheola

[81]Current language aims to destigmatize psychiatric disorders, emotional disturbances, addictions, substance misuse and dependence

Meetings of the Subcommittee were held Mondays at 9 a.m. on December 21, 2020; January 4, 11, 25, 2021; and February 8 & 22, 2021. In addition to Subcommittee members, contributors and members of the public, special invited guests included Elizabeth Mandell and Donna Frates from the Massachusetts Behavioral Health Partnership, Tasha Ferguson, Director of the Boston Emergency Services (BEST) Team, and Brookline Police Officer Mike Disario, Elder Liaison and Hoarding Task Force member. Additional information for this report was gathered from a meeting of the Reimagining Police Subcommittee on Vulnerable People and People in Crisis on January 7, 2021 where CAHOOTS of Eugene, Oregon presented; a conversation with Danna Mauch, President and CEO of the Massachusetts Association of Mental Health (MAMH) and co-chair of the Middlesex County Restoration Center Commission on January 10, 2021; a conversation with the BEST Team leadership on January 11, 2021; and various publications attached as appendices to this report. In addition to the above expert resources utilized, the chair of the Subcommittee is the former Massachusetts Commissioner of Mental Health and member Casey Hatchett and each of the regular expert contributors are involved in substantial ways in research, advocacy, and program implementation relevant to the work of the Subcommittee.

II. The Mental Health and Substance Use Disorder System Today

Overrepresentation of individuals with mental illness and substance misuse in the criminal justice system is well documented over the past fifty years as state mental institutions closed and individuals are preferentially served in the community since the Community Mental Health Centers Act of 1963. Despite the good intentions of restoring dignity and freedom to those with mental illness through de-institutionalization, a readily accessible, integrated and continuous network of social supports and treatments essential to support these individuals in the community eludes many who need it the most, almost sixty years after the passage of this landmark legislation. Especially those in poverty have not realized the hope and promise of a better life in the community.

Although Massachusetts has done a reasonably good job compared with other states in addressing the needs of this most vulnerable population, there is much work to be done. The January 2019 report, “Massachusetts Behavioral Health Care System: Strengths, Gaps, and Opportunities for Improvements” provides an overview (Appendix 1).

The failures in the behavioral health care system cause the needs and the suffering of individuals to be pushed “downstream”, putting local police in the position of coping with situations which require collaboration with behavioral health care providers. Although more can and should be done, BPD has recognized this need and done much to achieve this collaboration.

Still, Police dispatch, 9-1-1, has become the first and last remaining 24/7 responder when individuals are in crisis, which is a 24-hour per day problem. In Brookline, 9-1-1 dispatch receives an average of 5 behavioral health-related calls per day because people do not know where else to seek help. Illustrative of this is how calls to physician offices, or mental health providers are met with “if this is an emergency, call 9-1-1 or go to your local emergency room” Many at that point in a crisis cannot get to an emergency room, which as a result of their overcrowding is an equally inappropriate resource for those in crisis. Most mental health services are not set up with 24-hour/day access. Where does one call when they see a neighbor or family member “down” after a possible overdose? They call 9-1-1. Since 2014 all Brookline Police medical kits at the station and in all cruisers include Narcan, which has been administered by police personnel to save at least 45 lives.

Given these real shortcomings in the larger public mental health and substance misuse treatment systems, more responsive crisis response options for individuals in Brookline with mental illness and substance use disorders can only be achieved by enlisting the resources of the Executive Office of Health and Human Services, the Executive Office of Public Safety, and of course, the 24/7 staffing availability of the Brookline Police Department. Improved access to treatment for these individuals requires that the police are engaged as partners in crisis response. There are no options, which will not ultimately involve properly trained Brookline Police personnel on the receiving end of a call for help or in a face-to-face response, as we learned from speaking with multiple links in the existing network of mental health providers. The goal of this Subcommittee is to reduce or eliminate the number of times that individuals experiencing a mental health or substance misuse crisis are placed in settings that only further crises, such as an overcrowded emergency room, a jail cell, or other settings that are inappropriate or inadequate to address the person’s needs, and to ensure that the Brookline Police have the resources and public support needed to achieve that goal.

III. The Need in Brookline

In this regard, the objective of the Brookline Police Department is to supplement and tailor its police officers' response to the specific needs of individuals who suffer with mental illness and substance misuse in our Town. Geographic considerations which need to be considered include proximity to Boston, geographic and logistical disconnection from Norfolk County operations, the differences between north Brookline, which is much more like Boston, and south Brookline, which is much like Newton, resulting in different kinds of calls for help, and the number of college communities physically connected to Brookline resources.

Data for FY2020 Jail Diversion program as reported to Massachusetts Department of Mental Health (DMH) (Appendix 2) report 349 calls requesting assistance for someone with a behavioral health crisis. This number includes seniors, but does not count ongoing contacts with existing clients of the Crisis Intervention Team. Of the 349 contacts, 58% were white, 16% were black or African American, 6% were Asian, 1% were native Hawaiian or Pacific Islander, and 19% were unknown. Of the 349 contacts, 8% were identified as Hispanic. The age distribution was 31% between the ages of 27-45 years, 18% between 46-65 years, 15% between 22-26 years, 14% 66 years and older, 11% between 17-21 years, 7% between 12-16 years. Ninety-six percent of the contacts were non-criminal.

One measure of need for intervention for substance use disorders comes from data from the Brookline Court for involuntary commitments for detoxification programs, called Section 35. In 2019 the Brookline Court filed 35 Section 35's; in 2020, the Brookline Court filed 39 Section 35's for individuals to receive involuntary treatment for substance misuse.

A review of calls to Brookline Police Department dispatch requesting community intervention (Appendix 3) further quantifies requests that may have a behavioral health component. As the data supports, a significant number of these calls are requests for well-being checks made by mental health providers and others to check on whether a person they cannot reach is safe, yet another example of how integral our Brookline police department is to a safety net for individuals with mental illness and substance misuse.

Calls to Brookline Police Dispatch requesting Community Intervention July-September 2020*:

	July 2020	August 2020	September 2020
Total Behavioral Health Calls	136	135	119
Well-being Checks	43	41	58
Psychiatric Evaluations	6	15	9
Other (e.g. medical intoxication, disturbance, etc.)	87	79	52

*These are behavioral health calls only. Total Call Center calls for 2019 were 99,303.

Each call and request for assistance made to Brookline Police is important and must be responded to quickly, even if it's a call that appears inconsequential. For example, an elderly resident may call because her cat is stuck under the bed (a true incident). What seems inconsequential may reveal a significant problem that the person can't articulate. It is not an option for the police to not respond because, even in Brookline, the police are the first and often the final link in the chain of helping agencies.

More qualitative data shows that at any given time Brookline police and its embedded social worker are involved providing ongoing assistance for approximately 150 individuals with mental health and substance use disorders in the following domains: homelessness (10), hoarding (4), elderly (27), school children (44), and emotional and addiction problems interfering with functioning in the community (63).

One concern in policing is whether or not individuals suffering from mental illness or substance misuse are snared by the criminal justice system via an initial arrest for crimes such as trespassing, public consumption, and lewd and lascivious behavior. The Subcommittee asked the Brookline Police Department to review and report on arrests over the past two years for such offenses, excluding when these charges were added on to more serious charges, so as to assess the frequency of this practice in Brookline. The results show that this is not a practice of the Brookline Police Department.

Record review of arrests over the past two years for "nuisance" crimes:

Charges	Arrests in Past Two Years
Public Consumption	0
Lewd and Lascivious Behavior	0
Trespassing	2*
Open and Gross	2 (both at the library after disturbing actions)

*Out of 14 people assessed by responding police officers and after multiple complaints regarding the same individual who was homeless.

IV. What Brookline Police Do Today

Brookline is challenged to provide rapid and responsive assistance to a steady, but relatively small, number of individuals with mental health and substance misuse problems. There are too many requests to handle without specialized services and supports, but too few to develop Brookline dedicated, affordable, extensive, freestanding response teams. To this end, the Brookline Police have creatively met this challenge by developing specialized expertise within its work force to respond to these situations and by developing strong linkages with multiple support systems in and around Brookline.

Over the past twenty years Sergeant Chris Malinn and Lieutenant Jennifer Paster have adapted, developed and and implemented the Crisis Intervention Team (CIT) Model (Appendix 4), a best practice, recognizing that arrest is not always an appropriate response to someone whose behavior is directly related to symptoms of their disease. This model evolved following an incident in 1987 in Memphis, Tennessee when a Black man wielding a knife in a public housing complex was shot dead by police officers when he refused to put down his knife. The National Alliance on Mental Illness in partnership with law enforcement, families and other stakeholders developed the CIT initiative as a national model of best practice for law enforcement in their interactions with individuals with mental health and substance use disorders.

The CIT model requires intensive training of officers in recognizing signs and symptoms of mental illnesses; medication and treatment; suicide assessment and prevention; mental health issues in children and among the elderly; alcohol and drug use assessments and issues; and, most importantly, de-escalation techniques. The model includes a follow-up component to assist the client in staying connected to aftercare support services so that they may avoid involvement in the criminal justice system. The model operates to provide interception at multiple points of contact with an individual to prevent deeper penetration into the criminal justice system.

Brookline has trained 100% of its officers in CIT over the past decade and 100% of its dispatchers in mental health first aid as well as topic specific trainings to be more aware of special considerations identified by parents and family members of individuals who may come to the attention of 9-1-1 (Appendix 5). This extraordinary accomplishment and commitment to excellence contributed to the selection of the Brookline Police Department by the Massachusetts Department of Mental Health as one of five CIT Training and Technical Assistance Centers (CIT-TTAC) in the state as a resource for other police departments committed to the training of their personnel in community Crisis Intervention Teams.

As part of the grant funding this training, one full-time licensed social worker, Annabel Lane, is embedded within the Brookline Police Department. (Appendix 6)

The training completed by Brookline Police officers provides clear anecdotal evidence of better outcomes than those often reported in the national press. For example,

> *an incident illustrating the benefits of CIT training concerned an officer who was called to confront a man in his twenties wielding what in the dark appeared to be a knife and threatening harm in Amory Park. The officer who responded had recently completed his CIT training, including de-escalation techniques and fully utilized that training to place his cruiser between the young man and himself while still maintaining visual and verbal connection with him. After a lengthy intervention, the man continued to advance on responding officers with what appeared to be a weapon. A second officer fired a "less-lethal" round, e.g. a bean bag launcher, which subdued the man without serious injury. Although unfortunate that any round had to be fired at all, the family expressed their deep appreciation to the officer and the department for the manner in which the incident was handled. The young man was then able to get the help he needed. It turned out that the "weapon" was a stick. The officer had no time to confirm the nature of the threat and had to assume the worst. The officer credited his training with recognizing that the young man was in emotional crisis and needed an intervention other than direct confrontation whether he had a stick or a knife or other weapon.*

A relevant unfortunate comparison is a recent incident in Newton Highlands, where a young man with known mental illness with a knife was shot and killed by a Newton police officer. Similar circumstances, but a tragic outcome. Training will not eliminate all tragic outcomes, but more lives are likely to be saved with training. These are complicated situations where one or more systems or individuals may have failed to have optimally responded; It is important to understand how to improve our whole community's response, including policing, to the needs of those suffering from mental illness and substance misuse, and every person in our community can play a constructive role by insisting on "getting the facts."

Brookline CIT training is the beginning. With time and experience, officers become specialized in working with specific populations, serving as a resource for the entire department and more importantly meeting the individual needs of Brookline residents as one Brookline mother recently wrote eloquently,

> *When we think of Officer John Jennings, the word humanitarian comes to mind. What is a humanitarian?*
> *The definition that resonates with us is: "a person who is focused on protecting human lives and preserving human dignity." This is exactly who Officer Jennings is. He cares about the welfare of others, he is selfless, genuine and takes his job very seriously.*
> *When we joined the crisis intervention team a few years ago, we had no idea that they would become part of our extended family and become such an intricate part of our daily lives. My son was introduced to Officer Jennings over two years ago and since then, the two have been inseparable. Officer John is "his person." He calls him when he is happy, sad, frustrated and literally on the brink of losing it. Officer Jennings is always there to support him, listen to him and help him calm down, on OR off duty. We have avoided numerous hospitalizations and time spent away from school, because of Officer Jennings. He possesses strong de-escalation skills and is able to immediately calm down our son, and to help him to reflect on the situation and move forward. Mental & Behavioral health are in the forefront of the challenges being faced by our population. It is beyond comforting, to reside in a community, where we have such an elite police force who embraces our loved ones and ensures that its officers are CIT trained, which is crucial in de-escalating behavioral outbursts. Officer Jennings was one of the first officers to go through the CIT training and he is an example for all.*
> *Thank you for your kindness and all you do!*

This testimonial helps to highlight the real people with real problems who need the assistance of a safety net even if it is police officers holding that safety net. The Norfolk County CIT-TTAC recently awarded the Brookline Police Department's first Commendation for Excellence in CIT to Officer John Jennings.

Another special population which receives specialized assistance are those who suffer from substance misuse disorders. The Brookline Police Department is designated as a Police Assisted Addiction and Recovery Initiative (PAARI) site as 100% of the officers are trained in responding to individuals who are actively engaged in substance misuse. The aim is to identify and pursue non-arrest pathways to treatment and recovery.

V. Existing Brookline Resources and Linkages

The follow-up component of CIT requires strong linkages with aftercare providers and points of interventional support for individuals with mental illness and substance misuse who are coming into contact with the police. Linkages depend on relationships with limited options available. The importance of retention, longevity of service and continuity of Brookline Police personnel cannot be overstated. Relationships with community providers and with clients themselves take years to develop. These relationships are the fibers of the safety net for highly vulnerable individuals. The ongoing aspiration must be for all vulnerable individuals who come into contact with the Brookline police to be held securely by this net without discrimination or prejudice.

Brookline Police have extensive linkages with agencies, providers, and entities that are ostensibly points of intercept for individuals with mental illness and substance misuse. Of course, sustained aftercare, treatment and support are essential to decrease their risk of deeper penetration into the criminal justice system. Monthly CIT partner meetings are held in a roundtable format. Quarterly stakeholder meetings involving up to 40-50 participants are led by Annabel Lane, LICSW, Executive Director of the Brookline Police Department CIT-TTAC. The Brookline Police Department CIT relies on and expects a true community effort from each of these entities, an effort fully committed to mobilizing their resources to assist individuals in Town who suffer from mental illness and substance misuse disorders. It doesn’t take a village, it takes a Town; specifically, it takes Brookline, and it is indeed a work in progress. .

The Town of Brookline has a number of local resources that are considered to be valued CIT partners and stakeholders, including the:

- Brookline Housing Authority
- Brookline School Department, including Brookline Police School Resource Officers
- Brookline Council of Aging
- Brookline Center, which graciously hosts the CIT partner and stakeholder meetings
- Brookline Health Department
- Brookline’s Office of Veterans’ Affairs

Brookline Police have also built strong linkages with partners in the criminal justice system, which actively participate in CIT, including the:

● Brookline District Court, which is fortunate to have Judge White, who also serves as the back-up judge for the mental health court.
● Probation, which attends CIT meetings for clients who are jointly followed with CIT.
● Norfolk County Outreach (NCO) at the Norfolk County Sheriff's Office to share overdose information to assist individuals to achieve sobriety and to remain sober
● CIT of Taunton, Brookline's original training site and partner for trouble-shooting and quality improvement
● CIT-TTAC of Cambridge and Somerville for sharing best practices and ongoing reflection and learning

CIT partners and stakeholders, who are focused on treatment and advocacy for individuals with mental illness and substance misuse, often involving assistance for those who are homeless, are also at the table. They include the:

● National Alliance for Mental Illness, Massachusetts
● Massachusetts DMH Homeless Outreach Team
● Judge Baker Children's Center and parent partner and Brookline resident, Kim Smith, who developed a "A Parent & Caregiver guide to helping your Family before, during, and after a crisis" (Appendix 7)
● Riverside Mental Health Center in Dedham, MA
● Bournewood Hospital
● Arbor-HRI Hospital

In addition to the Brookline Council on Aging, CIT partners with stakeholders who specialize in assisting the elderly, defined as anyone over the age of 55 and numbering more than 10,000 residents of Brookline. They include the:

● Brookline Senior Center
● Center Communities
● Springwell
● Jewish Family and Children's Services

Brookline's volume of referrals are currently not large enough to justify the financial support of freestanding, Brookline-exclusive comprehensive support programs for individuals with serious mental illness and addictions, such as Programs for Assertive Community Treatment (PACT) and a dedicated Emergency Service Program (ESP). Other programs not totally ruled out at this time include Community Support Programs (CSP) and Intensive Outpatient Programs (IOP). Although some of these programs may operate in Brookline-located private facilities, CIT currently must utilize programs outside and around Brookline to meet the needs of many of these individuals. The roundtable format and quarterly stakeholder meetings of the CIT-TTAC are critical to maintaining strong connections to multiple programs in the area who are serving clients of Brookline's CIT. It's important to note here that all such programs serving MassHealth/Medicaid-eligible individuals and families enjoy the federal financial participation of 75% of total costs, with the Commonwealth absorbing 25% of those costs. No expectation of county or municipal support currently exists.

VI. Existing Emergency Response Collaborations

The most frequently utilized linkage is with the Boston Emergency Services Team (BEST), one of the twenty-one Emergency Service Providers (ESPs) in Massachusetts funded by MassHealth through a management contract with the Massachusetts Behavioral Health Partnership (MBHP) and the team that serves Brookline residents. (Appendix 8). The Subcommittee spent considerable time understanding this linkage which is most aligned with emergency and crisis response triggered by a call to 9-1-1 and Brookline police dispatch.

BEST has four service components: 1) community based locations in Jamaica Plain, at Solomon Carter Fuller Mental Health Center, and at North Suffolk Mental Health Center, 2) a mobile crisis emergency response team which is required to respond within 60 minutes to calls for support, 3) adult mobile crisis intervention teams available 12 hours/day for short-term follow-up (Children's teams are available 24 hours/day.), 4) adult community crisis stabilization beds at the Solomon Carter Fuller Mental Health Center adjacent to Boston Medical Center. BEST teams now include family partners, who have lived experience with mental illness and recovery coaching services, which were added two years ago for individuals with substance use disorders.

The BEST-ESP is triggered by a call to 1-800-981-4357. A mental health clinician responds within one hour for a face-to-face evaluation of the person in crisis in any setting. Since the onset of the COVID-19 pandemic, BEST-ESP is using telephonic and telemedicine evaluation more and plans to incorporate this practice into its work following the pandemic. BEST-ESP is mandated to respond to any call initiated by

police. The BEST clinician makes a recommendation for the disposition of the person in crisis and facilitates that disposition. There are two clinical situations where the BEST clinician does not respond:

1. A co-occurring medical emergency, such as an overdose, where the person needs to be taken to an emergency room, and;
2. A situation where there is concern that the person to be evaluated may be physically violent.

The back up to the BEST-ESP in these situations is 9-1-1 police dispatch to send an ambulance and/or police officers. BEST also has the capability to co-respond with Brookline police to the site. Once the site is secure, the clinician can stay and complete the evaluation after the police leave.

BEST-ESP works well with the Brookline Police Department. Jenn Previti, Assistant Director for BEST, attends monthly meetings with CIT-TTAC and has a long relationship with Brookline CIT. Despite this successful collaboration, systemic barriers keep ultimate responsibility for safety for some of these individuals in crisis with the Brookline Police Department, the last link in the chain of the safety net.

● First, BEST can only see and evaluate individuals who consent voluntarily to evaluation. Massachusetts is a “patients’ rights” driven state. Involuntary treatment, including evaluation, can only be done when a person is at imminent harm to themselves or others, unlike in some states where involuntary treatment, including evaluation, can be done when a person would substantially benefit from the intervention.
● Second, BEST only serves those adults who are uninsured or who have MassHealth insurance coverage. With the exception of Harvard Pilgrim Health Care, most private insurers are not contracted with BEST to serve adult members. BEST is contracted to see all children regardless of insurance.
● Third, response time (~1 hour) is challenging, especially impacting the feasibility of co-response. Since a Brookline police officer responds immediately, waiting for a BEST-ESP clinician to arrive to co-respond is an imperfect option. Also, the arrival of a BEST-ESP clinician within an hour is only the beginning of the process of clinical evaluation and disposition.
● Fourth, BEST is measured on quality indicators beyond response time, including diversions from emergency rooms and inpatient hospitalizations. When a person is not faring well in the community, the Brookline CIT is most often trying to find a more suitable disposition for that individual. Incentives are not necessarily aligned between the Brookline Police CIT and BEST-ESP for disposition. Mutually respectful

relationships built with trust over many years go a long way in mitigating disagreements in dispositions when they arise.

Statutes and regulations covering protected health information govern information sharing between Brookline police and BEST. When both police and clinicians are working together with individuals, information is collected together, helpful to a common understanding of the person's situation. Some information can be shared, such as the disposition of a person that the Brookline police referred for services, albeit without any clinical information. BEST uses a web-based electronic medical record, which has alerts and flags on individuals that frequently come to the attention of first responders, so that contact information for a person's treaters can be made available for a person in crisis, and Brookline Police CIT can alert BEST when a flag would be helpful for other community interventions.

Often the police need a place to take a person for an evaluation for appropriate intervention. Although a BEST community site is available for this purpose, the closest option is the BEST office in Jamaica Plain. The most comprehensive site is the mobile crisis team office at the Solomon Carter Fuller Mental Health Center where the community crisis stabilization beds are also located. Alternatively, BEST-ESP can evaluate a person in an emergency room, if they have been transported there for stabilization, usually under a Section 12 order, signed by a police officer or a licensed mental health clinician or physician. This is also called a "pink paper" and is required for the involuntary holding of someone for evaluation when the person is felt to be at imminent harm to themselves or others due to mental illness.

There is broad recognition that the Massachusetts ESP system and its collaboration with local police departments, while generally effective, can be improved upon. Section 117 of the Police Reform Law directs the existing Community Policing and Behavioral Health Advisory Council, established in Chapter 19 (Department of Mental Health), section 25(e), to conduct a study and recommend legislation that may significantly impact crisis responses in Massachusetts. The Council's study is required to include recommendations for creating crisis response and continuity of care systems that deliver alternative emergency services and programs across the commonwealth and that reflect specific regional, racial, ethnic, and sexual orientation needs and differences in delivering such services. The Council's findings are to be submitted to the legislature no later than July 1, 2022. Once the study is completed and hearings are held, the Council then is to "report on existing and innovative crisis response models and recommend legislation or regulations to advance and strengthen non-police solutions to crisis response and jail diversion." That report and its recommendations are due no later than July 1, 2023.

VIII. Gaps in Aftercare

Once a person in crisis has stabilized, follow up with aftercare is absolutely essential for continued success. This can take many forms, including intensive 90 day community support programs (CSP's), housing assistance, counseling, recovery coaching, peer support, medication monitoring, structured day programming, and employment supports, to name a few. Given that mental illness and substance misuse affect all domains of functioning, aftercare often involves a team approach for individuals with more severe difficulties. Failure to engage with aftercare results in recurrent crises for many individuals. Such failure is due to one or more of three factors: 1) client reasons, such as paranoia about accepting treatment or fear of being separated from a beloved pet, 2) provider/treater reasons, such as failure to engage the client or missing a presenting problem which must be addressed, and/or 3) system reasons, such as lack of access due to insurance or inadequate capacity to assist someone in a timely manner. Brookline Police CIT includes a follow-up component, which attempts to address and mitigate factors interfering with a client connecting and engaging in aftercare.

CIT trained police officers are frequently the only individuals who have had continuous and regular contact with a difficult to engage individual with mental illness. One recent example of this illustrates the critical role of a police officer in Brookline encouraging a homeless individual to finally allow an officer to assist him in securing housing.

> *This lifelong resident, evicted from housing for complex reasons, including hoarding and sanitation, refused to be sheltered for many months, but his good working rapport with Officer Joe Amendola was ultimately the connection that he trusted enough to diminish his paranoia and accept help. Officer Amendola worked closely with the DMH Homeless Outreach Team on behalf of this Brookline resident.*

The CIT includes officers experienced in working with special populations, such as elders, students, hoarders, and people experiencing homelessness. . The Hoarding Task Force utilizes a roundtable to address the health and safety issues of individuals who are hoarding and cluttering. All Brookline police officers are trained in assessment of the level of hoarding using the Uniform Model of 1-10 and instructed to contact Officer Mike Disario, Elder liaison and Hoarding Task Force representative, if any home is greater than a 5 on the scale.

Other members of the Hoarding Task Force are representatives from the Brookline Senior Center, the Brookline Center, Brookline Fire Department, Brookline Housing Authority, and Brookline Health Department.

VII. Best Practice Models from Which Brookline Has and May in the Future be Able to Borrow Ideas Appropriate for Brookline

The Hub model is an alternative law enforcement best practice to assist individuals with mental illness and substance misuse. This model, developed in Canada, is used by both the Plymouth and Chelsea Police Departments. The premise of the model is to get upstream from the person in crisis by using a whole community perspective and by using a range of community resources. The model utilizes an operational format of a roundtable of multiple agencies to assist the person. If this sounds familiar after reading about Brookline's implementation of CIT, it's because it is. Brookline has incorporated the multiple agency roundtable format into its CIT model.

CAHOOTS (Crisis Assistance Helping Out on the Streets) was developed in Eugene, Oregon in 1989 as an initiative between the White Bird Clinic and law enforcement. The funding originally came from a re-allocation of dollars from a planned budget expansion of law enforcement to the White Bird Clinic for mobile outreach teams of two, a medic and a crisis worker, to respond to urgent calls for well-being assistance. Today funding for CAHOOTS is primarily from Medicaid, and the greatest cost savings comes from diversion from emergency rooms. CAHOOTS is part of the White Bird Clinic, a comprehensive clinic for social, emotional and physical needs. CAHOOTS can be contacted directly by individuals in need of assistance, and a mobile crisis team will respond if necessary. CAHOOTS teams utilize police back up infrequently.

The primary differences between CAHOOTS and the Massachusetts ESPs is the City's direct diversion of some 9-1-1 calls to the CAHOOTS mobile response teams. In 2017, CAHOOTS responded to 17% of 9-1-1 calls. The White Bird Clinic is the backbone of CAHOOTS, providing assessment and treatment for individuals on an urgent basis. Additionally, CAHOOTS was developed by White Bird Clinic to more effectively address the nation's largest homeless population per capita in Eugene-Springfield, Oregon, many of whom are treated at the White Bird Clinic. The majority of CAHOOTS calls are to assist this homeless population.

Brookline has, comparatively, a relatively small homeless population, does not have a comprehensive mental health clinical provider partner ready to operate mobile crisis teams and a population one-fourth the size of Eugene-Springfield. Brookline has in place a working relationship with the Department of Mental Health's Homeless Outreach

Team, which is familiar with and assists the CIT in helping the approximately 10 individuals in Brookline who are chronically homeless. One consideration for Brookline would be to explore opportunities with BEST for more co-response of police officers and clinicians as Boston is doing.
Given Brookline's small volume of approximately 4-5 community assistance calls/day, including an average of 1 mental health request/day, the most cost efficient approach for Brookline may be to support 2 FTE social workers embedded in the police department.

With the upcoming rollout of the MassHealth (Medicaid) Ambulatory Care Redesign with funding for expanded emergency services and urgent care, Brookline should explore opportunities to expand co-response with BEST, which may be able to tap into these Medicaid dollars. Additionally, exploring continued grant funding for diversionary services from Massachusetts DMH to support the existing 1 FTE Social Work position could offset costs to the Town.

Restoration Centers are well-staffed facilities which offer short-term stabilization (0-3 days) for individuals in crisis and linkage to aftercare services. They have been used successfully in communities around the country as drop-off sites for law enforcement to divert from emergency rooms, jails and deeper penetration into the criminal justice system. Neighboring Middlesex County is in the process of planning for the implementation of a Restoration Center in Lowell, MA to serve the entire county (52 police precincts) (Appendix 9 & 10). The Middlesex County Sheriff, through a transfer of funds to the Massachusetts Executive Office of Health and Human Services, provided the initial funding for the Restoration Center. In order to have enough scale to support the comprehensive services required for stabilization, including an on site medical doctor, nurse, and consulting psychiatrist, the Middlesex County Restoration Center will operate 30 beds at an estimated cost of $6.6 million dollars annually, some of which may be recovered by billing insurance, estimated at ~$2.7 million dollars, for a net cost of $3.9 million/year. The Middlesex County Restoration Center, like ESP crisis beds, is only for voluntary adults and cannot hold someone against their will or anyone under the age of 18. The Restoration Center will be run by a vendor who is a comprehensive community behavioral health entity with a track record of success in community linkages and crisis response. The ultimate effectiveness of the Middlesex Restoration Center will depend on the capacity of the community provider chosen to make successful aftercare linkages. The Middlesex County Restoration Center will operate in close collaboration with the designated ESP's for the area, not as a replacement.

Although the scale of a Restoration Center is much more than Brookline's volume could justify, Brookline Police Department could be a valuable "voice at the table" should

Norfolk County decide to develop such a county-wide resource. The geographic disconnection of Brookline, however, might make a Norfolk County Restoration Center a less viable option for Brookline police than a Restoration Center in Boston.

VIII. What We Have Learned *

1. Ongoing treatment services for mental illness and substance misuse are difficult to access for many individuals who need them the most due to cost, cross-systems challenges, insurance coverage limitations, fragmentation, and complexity. When these services fail to engage, hold, and heal; individuals and their families in need turn to our local police for help.

2. The reality is that the Brookline police are an integral part of the behavioral health system for Brookline residents as the only 24/7 timely crisis responders for any and all callers. The entire behavioral health system is built on the premise that there is and will be a 24/7 police response (9-1-1). Cutting into this structural beam of the behavioral health system could cause harm to many of the most vulnerable individuals with mental health and substance use disorders.

3. Brookline's volume of those experiencing behavioral health crises is too low for stand-alone, state of the art diversionary programs and too large for no re-energized specialized attention. Brookline has done a good job in addressing this with 100% CIT trained officers and 100% mental health first aid trained dispatchers, but more needs to be done.

4. Aftercare follow through is challenging due to client, provider and systemic issues. Brookline police have and must continue to initiate strategies to mitigate for all of these issues.

5. Brookline's needs are best met by programs that are tailored specifically for Brookline by adopting and adapting best practices for our own community, such as including elements of Hub in CIT or expanding co-response with BEST.

6. Solutions to improve experiences of individuals with mental illness and substance misuse with police must be done in close collaboration WITH the police, not outside or around them.

7. Success depends on continuity and relationships. Retention and promotion of Brookline police officers for long tenures in the Brookline Police Department optimizes the Town's return on its investment of the intensive and extensive training of its officers.

8. The investment made by the Town in intensive and extensive training of BPD officers and those officers' enthusiastic response to that training is the best protection against the horror stories that have caused some to want to remove police involvement from these difficult and potentially dangerous calls.

*Minutes of the meetings of this Subcommittee (Appendix 11)

RECOMMENDATIONS

1. That the Town assume the cost of training 100% of new Brookline Police officers in CIT and 100% of dispatchers in mental health first aid once the state Department of Mental Health funding, which has allowed Brookline to provide CIT training to all of its officers, ends.

2. That the Town fully fund 2 FTE social workers in the BPD, at least one of which should be licensed to facilitate signing Section12 petitions. This increase could be timed to pick up the funding for Annabel Lane, currently the only social worker in the BPD, when grant funding for her position expires. A second position to allow for some evening and weekend coverage would expand the frequency of embedded mental health expertise in Town emergency responses.

3. That the Department of Public Health and Human Services investigate contracting with providers of clinical services to be used by the BPD for mental health or substance use crises that can receive Medicaid reimbursements where such clinical services paid by BPD could not be reimbursed.

4. That BPD Crisis Intervention Teams collaborate with BEST on additional inservice training for Brookline Police officers and dispatchers to increase utilization of telehealth options and build on telehealth utilization during COVID to assist officers in assessing whether or not mental health expertise or referral is the best disposition – especially for "on the line" cases.

5. That the Health and Human Services Department support the nascent Homelessness Task Force utilizing a roundtable model similar to the Hoarding Task Force.

6. That the Health and Human Services Department explores options with local private providers, such as The Brookline Center, to secure contracts for CSP and PACT to

improve access for these comprehensive services for individuals with complex and serious mental illnesses, particularly during non-business hours.

7. That the Town works with its State Senate and House Representatives to advocate for legislation that requires all private insurers to pay for emergency services for mental health evaluations and legislation that supports expansion of walk-in urgent mental health services.

8. That the Health and Human Services Department offers to serve as a roundtable partner on either a Suffolk County or a Norfolk County Restoration Center implementation team, once such a team is organized.

9. That the Town adopt policies, practices, and compensation that support retention of police officers to maximize the return on its investment in sophisticated CIT training and provide continuity for people suffering from mental health or substance use disorders who can be helped by properly trained CIT officers and back up social worker or other social service personnel.

10. That the Town evaluate the current operation of the dispatch center and the BPD's response to mental health 9-1-1 calls to look for opportunities for improvement, including collaboration with the Town's Health and Human Services Department.

11.That the Town's Community Engagement Strategist work with the BPD and the Health and Human Services Department on educational programs to inform the community about the essential and non-transferable role that the BPD together with its in-house social worker and other social service workers play in mental health and substance misuse crises.

12. That the Town explore options with comprehensive healthcare systems already invested in Brookline to develop a public-private partnership for the purpose of creating in Brookline comprehensive medical/psychiatric 24 hour ambulatory care services with walk-in capacity and follow-up care. For example, the Brigham and Women's Hospital has a footprint in Brookline, as does Beth Israel. Boston Medical Center is connected to Brookline through the BEST contract. These efforts would best be viewed as an economic development opportunity to meet an identified need in Brookline for aftercare services for this most vulnerable population, would build a roadmap for providing needed mental health crisis care in the Town, and would align with the Commonwealth's Roadmap for Behavioral Health Reform initiative
.

13. That the Town and BPD monitor the recommendations for changes to emergency response by the Community Policing and Behavioral Health Advisory Council and prepare to implement recommended improvements in policies and procedures as they are promulgated on or around July 1, 2023.

ACKNOWLEDGEMENTS
Almas Dossa and Anne Weaver, co-chairs of the Subcommittee on Vulnerable People and People in Crisis of the Task Force to Reimagine Policing for observing our meetings and sharing their input and work from their own Subcommittee's work. Officer Mike Disario, Social Worker Annabel Lane, Sergeant Chris Malinn, former Chief Dan O'Leary, and Lieutenant Jennifer Paster of the Brookline Police Department for their honesty and many hours of assistance in gathering and sharing information about existing Brookline Police Department services. Joanna Buczek, M.D., Tasha Ferguson, and Joan Taglieri of Boston Medical Center leadership of the Boston Emergency Services Team for their collaboration and coordination with Brookline Police for many years past and ongoing and for sharing that collaboration generously with this Subcommittee. Donna Frates and Elizabeth Mandell of the Massachusetts Behavioral Health Partnership for educating this Subcommittee about the framework and program specifications for responding to behavior health crises in Massachusetts. June Binney for her tireless advocacy on behalf of all individuals who suffer from mental illness and substance use disorders. Richard Sheola for the invaluable benefit of his deep expertise and national knowledge of high quality and responsive behavioral health systems of care. Janice Kahn for her insights into health care systems in Massachusetts along with her organic understanding of how Brookline works and lives together. Residents of Brookline who took the time to attend our Subcommittee meetings and listen, learn, and ask questions.

Subcommittee on Personnel and Governance

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Introduction

The Charge for the Personnel Subcommittee of the SelectBoard Committee on Policing Reform includes (1) responding to the memorandum from Town Administrator Mel Kleckner dated July 7, 2020, (Appendix 1), regarding exploring the Town's withdrawal from Civil Service for police and fire, (2) reporting on the existing governance of the Brookline Police Department and make any recommendations for changes or improvements, including options to assist the Select Board, who are Police and Fire Commissioners, in their role, (3) assessment of the Brookline Police Department's current policies and practices around health and wellness, recruitment, hiring, retention, promotions, and training and make recommendations for opportunities for improvement of current practices, and (4) findings of any intersections and subsequent considerations with regards to Chapter 253 of the Acts of 2020, "An Act Relative to Justice, Equity and

Accountability in Law Enforcement in the Commonwealth" ("the Act") signed by Governor Baker on December 31, 2020 (Appendix 2).

Subcommittee Members:
Elizabeth Childs, Chair
Bernard Greene
Paul Yee

Regular Expert Contributors:
Michael Downey
Daniel O'Leary
Michael Keaveney

Meetings were held at 9 a.m. on October 22, 2020, November 19, 2020, December 3, 17, 30, 2020; January 14 & 28, 2021; February 4, 11, 18, 2021. (Appendix 3)

Governance

Public safety is an essential responsibility of municipal government. Police, like fire, protection is a general function of the Town of Brookline. See generally, Williams College v. Williamstown, 219 Mass. 46, 48 (1914). Police and fire protection are essential "for the protection, safety, . . . of the people". See Art. VII of the Declaration of Rights to the Massachusetts Constitution. To implement that function, Town Meeting adopted the statutory provisions under M.G.L. c. 41 sec. 97 for a police chief on March 15, 1921. The Select Board Members were designated "Police Commissioners" under the Town General By-Laws Section 3.1.2A to preserve "peace and good order" and maintain a police force pursuant to a state law relating to the powers of a municipality, M.G.L. c. 41 sec. 21

> *The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness. -- Preamble of the Massachusetts Constitution, paragraph 1*

1. Weak Chief Model: Select Board Serve as Police Commissioners

By vote of Town Meeting on March 15, 1921, the Town of Brookline adopted what is known as a "weak chief" structure (MGL c.41, §97), thereby placing the police department "under the direction of the [Select Board]." As such, it is the Select Board, not the police chief, that is responsible for making "suitable regulations governing the police department and the officers thereof." The principal difference in a "strong chief" community (MGL c.41, §97A) is that the police department operates "under the

supervision of…the chief of police," who is empowered to develop and implement "suitable regulations," subject only to approval by the Select Board. Section 97A further provides the police chief the authority to assign police officers to their "respective duties," a power notably absent in §97. These differences "makes obvious the fact that the primary control of the police department is in the chief of police under §97A and in the [Select Board] under §97." Chief of Police of Westford v. Town of Westford, 365 Mass. 526 (1974).

Despite these differences, the two statutes share notable similarities. For instance, both statutes grant the Select Board the authority to appoint a chief of police and police officers as well as to determine their rate of compensation. Both provide that the police chief "shall be in immediate control of all town property used by the [police] department, and of the police officers" who must obey his/her orders. Lastly, removal of the police chief and police officers "for cause" rests with the Select Board, as permitted and/or restrained by civil service law.

In principle, Brookline has a very strong version of civilian oversight of the police, including five directly elected civilians in the Select Board with broad powers. In practice, however, the Select Board has seldom exercised the full range of its civilian oversight powers with the myriad other responsibilities competing for its attention and limited resources at its disposal. The Subcommittee, therefore, recommends to the Select Board the proposed Police Commissioner Advisory Committee (PCAC) described in the report of the Accountability Subcommittee. The PCAC is designed to provide the support and assistance to the Select Board that will enable it to exercise its police commissioner powers to their fullest.(Appendix 4)

2. Mission

The existing mission statement of the Brookline Police Department had not been revised for several years. Much change and progress has been made in the Department, which was not reflected in the existing statement. After receiving input from members of the Subcommittee and the entire Policing Reform Committee, the Subcommittee proposes that the SelectBoard and the department adopt the following revised Mission Statement to more accurately reflect the work of today's department. This statement also aligns language with The Act where appropriate.

The Police Mission:

To work in partnership with the Select Board, in their capacity as Police Commissioners, the Town Administrator and community members to ensure that all people enjoy a high quality of life without fear of crime. To work together to solve problems and provide the most responsive, highest quality, fair and impartial police service. To proactively prevent crime, maintain order, and apprehend offenders, without discrimination and in a manner consistent with the law and procedural justice. Policing in Brookline shall be conducted in a bias free manner and in accordance with state statutes.

Our Values:

The Department subscribes to the following set of governing values that state its beliefs as a police organization:

1. The two most important assets of the Brookline Police Department are our personnel and the Community we serve.
2. Excellence for the members of the Brookline Police Department is based upon fairness, integrity, hard work, and professionalism in the performance of their duties.
3. Commitment to providing the highest quality of fair, impartial and professional law enforcement with the goal of enhancing the quality of life within the community.
4. Build partnerships with residents and non-residents in order to ensure personal safety, protect individual rights, protect property, and promote individual responsibility and community commitment.
5. Secure and maintain public respect in order to fulfill the Department's duties by acknowledging that the quality of life in the community is affected by not only the absence of crime, but also by the absence of the fear of crime itself.

The Department consists of the following seven subprograms:

1. The **Administration and Support Division** provides overall control of the functions of the Department. It maintains records, provides upgrades in communications and technology equipment and will continue to improve all monitoring and accountability processes to ensure fair and impartial policing takes place. It also includes the Public Safety Business Office, a group responsible for all financial and budgetary matters for both the Police Department and the Fire Department. This Division also provides oversight and direction in implementing the recommendations of committees established by the Select Board or Town Meeting to improve public safety in Brookline or to aid the Select Board in carrying out its role as Police Commissioners.
2. The **Patrol Division** continuously patrols all sectors of Town while providing a variety of public safety services. Their efforts also serve as a deterrent to criminal activity. The Patrol function is vital and, for that reason, the Chief has directed that there be a minimum staffing policy maintained daily.
3. The **Criminal Investigation Unit** is responsible for the investigation of all violent crimes, including murder, rape, armed robbery, assault, and narcotic violations, and maintains the safety of all evidence. The evidence officer is responsible for distributing and maintaining all lethal and less than lethal weapons and related equipment.

4. The **Community Services Division** is charged with facilitating a spirit of cooperation between members of the public and the Department that helps to enhance the quality of life for all individuals. Housed within this Division is the Elder Affairs Officer, School Resource Officers, Walk and Talk unit, the Crisis Intervention Team (including a grant funded social worker) and the Department's Training and Accreditation Unit which is responsible for training officers in policies and procedures including the Use of Force and De-escalation, training in the safe use of all issued equipment, state mandated trainings and various forms of elective trainings that officers are sent to.
5. The **Traffic and Parking Division** is responsible for educating the public and enforcing laws and regulations relating to the safe operation of motor vehicles in Brookline.
6. The **Public Safety Dispatch Division** is responsible for handling and dispatching all police, fire, and ambulance calls, including E-911.
7. One patrol officer serves as the Town's **Animal Control** officer. The Animal Control officer normally works five days a week. All Brookline Police Officers are responsible for enforcing the Town's animal control laws, and will continue to do so when the Animal Control officer is off duty.

Additionally, this Subcommittee recommends that an oath to uphold the United States Constitution be included in the swearing in of each new police officer.

3. Accreditation

The Brookline Police Department has been state certified since 2010 and accredited since 2013, one of only 91 community police departments in Massachusetts which are accredited. The process of achieving accreditation resulted in important changes in the department, particularly around updating policies and procedures, such as the Use of Force policy. This intensive effort assists the department in codifying its professional standards. Although there is national accreditation, it is most appropriate for large urban police departments.

The Brookline Police Department already meets the certification standard set forth in the Act, which is the penultimate step towards accreditation. Section 30 of Ch. 253 of the Acts of 2020 inserted an entire new chapter 6E to establish the 9 member Massachusetts Peace Officer Standard and Training Commission (MPOSTC). Although most of this chapter refers to certifying and decertifying police officers, the chapter does specify that every police department must be certified in accordance with the Act. The division of police certification in consultation with the municipal police training committee shall establish "minimum certification standards for all law enforcement agencies that shall include, but shall not be limited to, the establishment and implementation of agency policies regarding: (i) use of force and reporting of use of force; (ii) officer code of conduct; (iii)officer response procedures; (iv) criminal investigation procedures; (v) juvenile operations; (vi) internal affairs and officer complaint investigation procedures; (vii) detainee transportation; and (viii) collection and preservation of evidence." (Section 5(b) of chapter 6E).

PERSONNEL

Personnel make up 92.3% of the police department budget. Proposals to reduce the budget threaten hiring and retention. Reductions most impact younger, more diverse, and more recently hired officers.

III. Civil Service

The Massachusetts civil service system was established in 1884 to assure that public sector jobs were awarded based on merit and not political patronage. The civil service law, Massachusetts General Law Chapter 31, is therefore designed to assist town, city, and state government in Massachusetts to recruit and hire the most talented personnel. The purpose of this report is to explore whether the civil service system continues to meet its intended objective and the needs of the Town of Brookline and make a recommendation as to whether the Town should consider revoking civil service coverage as it pertains to personnel in the Brookline Police Department.

1. Civil Service in the Town of Brookline

Chapter 267 of the Acts of 1894 extended the provisions of the state civil service act to towns having a population of twelve thousand or more residents. Through this local option statute, the Town of Brookline accepted the civil service system by vote of Town Meeting in 1894.

Since acceptance, the civil service status of Town employees has largely remained static aside from a few minor changes such as the exemption of the Chief of Police in 1992 (after a similar vote failed Town Meeting in 1973). In 2002, however, Town Meeting charged the Human Resources Board to conduct a comprehensive study of the civil service system. The result of that study culminated in a home rule petition to the state legislature seeking to remove all Town positions from civil service except for police and fire. The law passed the legislature in 2010.

Presently, police and fire remain the only Town departments with employees covered by the civil service system. Specifically, civil service coverage extends to all police department personnel holding the rank of Police Officer through Lieutenant.

2. Revoking Acceptance of Civil Service Statute

MGL c.4, §4B, governs how the Town can revoke civil service coverage for police personnel should it choose to do so. Essentially, revocation is accomplished by engaging the same procedure used to accept/adopt in 1894 – by vote of Town of Meeting – or by special home rule legislation. The law further provides that revocation shall not affect the civil service rights of existing employees. Rather, all new hires will not have civil service rights upon entering their employment with the Brookline Police Department.

Additionally, the impacts of revoking the civil service system must be bargained with the Brookline Police Union prior to implementation. Required bargaining subjects include hiring and promotional processes, employee discipline,[1] and layoffs and recalls. William Brooks ("Chief Brooks"), current Chief of Police in Norwood and former Deputy Chief in Wellesley, was responsible for overseeing the revocation of the civil service system in both communities. Chief Brooks found it extremely valuable to begin communication with the union as early as possible.

3. The Current Civil Service System for Police Department Personnel

a. Police Entry-Level Examinations & Hiring Under Civil Service

Every two years (odd years), the Commonwealth's Human Resources Division (HRD) administers entry-level examinations for the rank of police officer. The examination consists of multiple-choice questions, broken up into three sections:

- Ability Test – Designed to test a series of abilities, such as written comprehension, problem solving and sensitivity, and reasoning.
- Work Style Questionnaire – Measures certain motivational, value-related, and attitude characteristics.
- Life Experience Survey – Assesses characteristics of the candidates' past history and experience.

HRD then grades the examinations, issues scores to the candidates, and establishes a statewide Eligible List of candidates with a passing score of 70. Candidates are ranked on the Eligible List in accordance with MGL c.31, §26, as follows:

1. Sons or daughters of deceased police officer
2. Disabled Veterans
3. Sons or daughters of police officer permanently and totally disabled in the line of duty
4. Veterans
5. Widows or widowed mothers of veterans who were killed in action or died from a service-connected disability incurred in wartime service
6. All others, in order by examination score

HRD maintains the Eligible List until the next examination is administered and a new Eligible List is established.

When the Town seeks to hire entry-level police officers, it submits a Requisition to HRD indicating the number of vacancies it wishes to fill. In turn, HRD issues a Certification List of candidates based on a 2n+1 formula, with "n" equal to the number of police officers the Department wishes to hire. For example, if the Department wishes to hire 3 police officers, HRD will issue a Certification containing 7 candidates.

HRD ranks candidates on the Certification List as set forth above, though it must also give preference to Town of Brookline residents (MGL c.31, §58). To qualify for the residency preference, candidates must demonstrate they have lived in the Town of Brookline for the entire twelve-month period immediately preceding the date of the entry-level examination. The residency preference makes it extremely difficult, if not impossible, to hire non-resident candidates.

Hiring a candidate ranked below another candidate on the Certification constitutes a bypass under civil service law. When bypassing a candidate, the Town must first notify HRD of the reason(s) for bypassing the higher-ranked candidate. The Town cannot move forward with the bypass unless and until it receives HRD's approval. Untruthfulness, failure to meet residency requirements, criminal history, and unsatisfactory employment history represent examples of common bypass reasons. Bypassed candidates have the right to their non-selection to the Civil Service Commission.

Police departments seeking to increase workforce diversity may ask HRD to issue a "special certification" based on race, color, national origin or sex. However, HRD must first substantiate, in writing, that "the previous practices of the department and/or said appointing authority with respect to the filling of such position or positions have discriminated against members of a group…on the basis of race, color, sex, or national origin…" Personnel Administration Rule ("PAR") 10.[2]

b. Consent Decree Hiring in the Brookline Police Department

In the 1970s, the civil service system was the subject of lawsuits brought on by African-American and Latino candidates for public safety jobs in a number of cities and towns, including Boston and Brookline. The lawsuit claimed that the civil service examinations had the effect of discriminating against non-whites. Ultimately, municipalities entered into consent decrees that governed police and fire hiring for several decades. The consent decrees required inserting the name of a minority candidate at the top of the list and every fourth slot from there on (e.g. one minority candidate, three white candidates, one minority candidate, three white candidates, etc.).

Consent decrees led to the desired result of increasing the non-white hires in police and fire departments across the Commonwealth. In November 2002, a federal judge ruled that the consent decree system had met its stated goal of having the percentage of African-Americans and Latinos in the police and fire workforce correspond with the percentage of African-Americans and Latinos in the general population.

BPD hired its first African-American officer in 1972. BPD's first African-American Lieutenant, who also served as the head of the Police Union, recently retired from BPD.

Accordingly, the Brookline Police Department stopped following the consent decree hiring procedures in September 2003. Chief O'Leary was happy with the progress made under the consent decree and pushed to continue the hiring practices, but his

efforts were denied. Alternatively, Chief O'Leary sought to expand residency preference to Brookline High School graduates, including METCO students. The effort passed Town Meeting, thus requiring filing a home rule petition for approval by the state legislature. For unknown reasons, the measure stalled in the State Senate.

In the fall of 2020, the City of Boston's City Council passed a similar measure also requiring approval from the state legislature.

c. Hiring in the Brookline Police Department

The BPD is currently comprised of 127 sworn officers, the breakdown of which is as follows:

- White Male: 83 officers – 65%
- White Female: 13 – 10%
- African American Male: 7 – 6%
- African American Female 1 – 1%
- Asian Male: 11 – 9%
- Hispanic/Latino Male: 11 – 9%
- Hispanic/Latino Female: 1 – 1%

By Rank:

- 5 Deputy Superintendents: All white males
- 11 Lieutenants: 10 white males, 1 white female
- 16 Sergeants: 14 white males, 1 white female, 1 Asian Male

Further, the Department hired a total of fifty-six (56) police officers over the past ten years.

- White Male: 28 officers – 50%
- African American Male: 8 – 14%
- White Female: 7 – 12%
- Asian Male: 5 – 9%
- Hispanic/Latino Male: 5 – 9%
- Hispanic/Latino Female: 1 – 2%
- African American Female: 1 – 2%
- West Indian Male: 1 – 2%

During that ten-year timeframe, six Brookline dispatchers were hired as police officers, five of which were white males and one was a white female.[3] The Department hired five officers – two White males, one African American male, one Asian male, and one Hispanic/Latino male -- who were previously employed by the Town as Meter Collectors.[4]

d. Norwood Police Department Hiring Post-Revocation

Chief Brooks indicated the greatest benefit of hiring entry-level police officers outside of the civil service system is the marked increase in the candidate pool. Like the examination schedule under civil service, Norwood (and Wellesley) continues to administer a multiple-choice examination for entry-level police officers every two years. Norwood PD engages an outside vendor to administer the examination, the cost of which is offset or paid by examination fees. Norwood's examination is similar to that offered by civil service in that it consists of multiple-choice questions, with the passing score set at 70. Norwood's hiring policy (negotiated with the police union prior to revocation) sets forth minimum qualifications for appointment, including possessing an Associate's degree or 60 credits towards a Bachelor's degree.[5] A High School diploma is required by civil service law.

On average, 150-200 people sit for the Norwood examination. No longer restricted by the 2n+1 formula, the pool of candidates is made up of all persons who achieve a passing score. When hiring off Certification Lists issued by HRD, Chief Brooks was not confident that he was receiving the best possible candidates for his department given that he received just 3 names for every vacancy.

Additionally, the candidate pool is not ranked to prioritize residents. Per policy, resident status is merely a factor to consider when selecting candidates for interviews.[6] Residency preference under civil service rules is also somewhat of a misnomer. For instance, a person living in an apartment in Norwood for just one year prior to the date of examination is entitled to the residency preference, whereas the preference will not be given to a lifelong resident who moved away (for whatever the reason may be) just prior to the examination.

Finally, Chief Brooks has discretion to choose the best fit for his department without having to consider defending a time-consuming bypass appeal if he selects a candidate with a lower examination score.

Chief Brooks also highlighted the quick turnaround in hiring entry-level police officers outside of the civil service system. With access to the candidate list at all times, Chief Brooks can begin the hiring cycle immediately and typically fills vacancies within a few weeks, if not days. Under the civil service system, the time it takes to complete the hiring cycle depends on HRD to issue the Certification List and approve appointments and bypasses. That process can last anywhere between several weeks to a month or more.

The transition away from civil service hiring rules clearly affords a much greater degree of flexibility and discretion to select police officers based on merit and the needs of the department and community. However, should the Town of Brookline choose to go the route of Norwood and Wellesley, it must establish policies to ensure that hiring

decisions are made for those reasons only, and not for any illegitimate reasons such as political patronage.

e. Police Promotional Examinations and Promotions Under Civil Service

The civil service promotional process is largely the same as the entry-level process, starting with a multiple-choice examination administered by HRD, typically every two years. HRD generates an Eligible List of passing candidates ranked by score. Unlike the entry-level process, HRD distributes the Eligible List to the Appointing Authority and it is the Appointing Authority's responsibility to create Certification Lists when hiring for promotion.[7] Finally, candidates have bypass appeal rights to the Civil Service Commission if someone with a lower score is promoted.

Appointing Authorities are permitted to depart from HRD-administered promotional examinations by contracting with outside vendors to administer an Assessment Center, which typically include multiple-choice questions, an oral question and answer session, and a section of questions prompting written answers. Some communities have instituted Assessment Center examinations for upper-level management positions (i.e. Deputy Chief) while retaining the civil service examination for lower-level promotions. Appointing Authorities must bargain the impacts of transitioning from civil service promotional examination to an Assessment Center.

The Norwood PD conducts an Assessment Center promotional examination, organized as described above (multiple-choice questions, oral question and answer, written responses) every two years. Per the Town's promotional policy,[8] selection is based on the following criteria:

- Job-related experience
- Performance Evaluation
- Supervisor evaluation of employee's promotion potential
- Score on promotional examination
- Interview performance
- Sick leave record
- Education
- Training and education through career development
- Disciplinary record
- Attitude toward the department and police work
- Work ethic and initiative

As with entry-level hiring, Chief Brooks is afforded the discretion to promote officers he finds to be the best fit for the job, based on criteria that he developed. He is not bound by examination scores nor must he secure HRD approval of bypasses before moving forward in the process.

According to Chief Daniel O'Leary, the Brookline Police Department has experienced a decline in officers sitting for promotional examinations over the last several years. Chief

O'Leary believes the decline may be due to the thin pay scale gap between Brookline police officers and their superiors, which disincentivizes employees from taking on the extra responsibilities that come with being a supervisor. Additionally, with the promotion there is a high probability of a new work shift for the individual just promoted. Finally, the promotion process is a significant investment of time and money by the officer for books, the exam itself, and preparation courses. The Town could consider subsidizing this cost to increase numbers of officers taking the exam. Additionally, the Department could explore sponsoring a study group for exam preparation, similar to how it supports a study group on the policies and procedures of Brookline Police for the Civil Service exam.

f. Discipline

Tenured civil service employees may only be disciplined (suspended or discharged) for "just cause." If the discipline is greater than a five-day suspension, the employee is entitled to a full hearing before the appointing authority (or hearing officer designated by the appointing authority). For all suspensions for a period of five days or less, the appointing authority may impose such discipline without holding such hearing. *See MGL c.31, §41*. In both cases, however, employees have a right to appeal the disciplinary action to the Civil Service Commission where they will be given a full hearing before a member of the Commission. *See MGL c. 31, §43*. Finally, both the Town and employee may appeal the decision of the Commission in superior court. *See MGL c. 31, §44*.

Employers revoking civil service must bargain over impacts involving the disciplinary process. The Town's CBA with the Brookline Police Union, however, already contains a "just cause" provision in the Management Rights section. Through the grievance procedure of the CBA, employees may appeal disciplinary action to a full hearing before a neutral arbitrator. The arbitrator's decision is binding on the parties and very rarely are those decisions appealed. Only under exceptional circumstances will the courts intervene and overturn an arbitration decision.[9]

g. Layoff & Recall Procedures

Civil Service law requires layoffs to be implemented in order of seniority/length of service in the title subject to layoff. *See MGL c.31, §39*. The computation for length of service, however, is the total years of service in the Department. *See MGL c.31, §33*. For example, if an employer were to lay-off a group of Lieutenants (as a means of achieving the requisite savings more quickly), the employees chosen for lay-off would be those with the least years of service in the police department. Time spent in the Lieutenant position is irrelevant. However, the employees subject to lay-off may exercise their right under MGL c.31, §39, to seek demotion to the next lower title (Sgt). That process typically plays out until it gets down to police officers most recently hired.

Additionally, employees have the right of first refusal to the position from which they were laid off. Employees retain their "recall" rights for ten years. As such, vacancies must be offered to laid-off employees before employers may look to hire from a new Certification List.

Employers revoking civil service must bargain over the impacts of transitioning away from the layoff and recall procedures as required by civil service law. This provides the employer the opportunity to gain discretion in terms of the procedures to implement layoffs and what recall/reinstatement rights should attach, if any.

h. Impact Bargaining

MGL c. 150E does not require bargaining over the decision to petition for revocation of the civil service statute but does require bargaining over the impact of the revocation on employee working conditions. *NAGE v. Labor Relations Commission*, 17 Mass. App. Ct. 542 (1984); *Weymouth School Committee v. NAGE*, 9 MLC 1091 (1982). As discussed in this memo, impact bargaining issues in the context of civil service revocation typically include seniority, layoff and recall procedures, discipline and promotions.

Under MGL c.150E, the parties have a duty to bargain in good faith, meaning that they must enter negotiations with a sincere desire to reach agreement. However, the law does not require the parties to make concessions, particularly on strongly held positions, nor does it require that the parties reach agreement.

i. Civil service commission study

The recently enacted police reform bill (Chapter 253, Acts of 2020) establishes a "special legislative commission to study and examine the civil service law, personnel administration rules (HRD regulations to enforce the civil service law), hiring and by-laws for municipalities not subject to the civil service law and state police hiring practices." Specifically, the commission is tasked with reviewing the "employment, promotion, performance evaluation and disciplinary procedures for civil service employees, including, but not limited to:

(i) the hiring and recruitment processes for civil service positions;
(ii) use of civil service eligible lists, the statutory merit preference status and the hiring form those eligible lists;
(iii) all current civil service examinations and the use of the examinations for hiring and promotions;
(iv) collective bargaining agreements by unions;
(v) disciplinary and appeal procedures as applied to civil service employees; and

(vi) identifying any barriers that exist in hiring, recruiting or promotion civil service employees.

The commission must submit a report detailing its study and any recommendations on or before September 30, 2021.

The Act established "a special legislative commission to study and examine the civil service law, personnel administration rules, hiring procedures and by-laws for municipalities not subject to the civil service law and state police hiring practices."[10] The commission consists of 29 members from different constituencies such as the police and firefighters' union, ACLU, NAACP, chiefs of police and fire departments, state police, the Massachusetts Association of Minority Law Enforcement Officers, the civil service commission, the secretary of administration and finance the Massachusetts Bar Association, secretary of public safety and security, veterans' groups, the Massachusetts Municipal Association, state legislators and the attorney general.
The commission will study the current civil service system. "The commission shall study the employment, promotion, performance evaluation and disciplinary procedures for civil service employees, including, but not limited to: (i) the hiring and recruitment processes for civil service positions; (ii) the use of civil service eligible lists, the statutory merit preference status and the hiring from those eligible lists; (iii) all current civil service examinations and the use of the examinations for hiring and promotions; (iv) collective bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to civil service employees; and (vi) identifying any barriers that exist in hiring, recruiting or promoting civil service employees."

The commission will study cities and towns without civil service. "The commission shall study the employment, promotion, performance evaluation and disciplinary procedures of municipalities not subject to the civil service law, including, but not limited to: (i) the hiring and recruitment procedures and by-laws for municipalities; (ii) all examinations administered by municipalities and the use of the examinations for hiring and promotions; (iii) the use of minimum eligibility guidelines and hiring qualifications or preferences; (iv) collective bargaining agreements by unions; (v) the disciplinary and appeal procedures as applied to municipal employees; and (vi) identifying any barriers that exist in hiring, recruiting or promoting municipal employees."

The Act attempts to address the issue of diversity by considering the feasibility of a state office of diversity and a diversity officer in every town and city with a fire and police department. "The commission shall evaluate the feasibility of creating a statewide diversity office within the executive office of administration and finance to establish affirmative action plans and guidelines for municipalities, oversee the implementation of these plans and guidelines and monitor noncompliance. The commission shall examine the feasibility and cost of hiring or appointing a diversity officer for every city or town with a municipal police or fire department."

The commission will submit a report of its study and any recommendations, together with any draft legislation necessary to carry those recommendations into effect on or before September 30, 2021. The report will contain “recommendations for changes to the civil service law to improve diversity, transparency and representation of the community in recruitment, hiring and training of civil service employees, including, but not limited to, any changes to civil service exams, merit preference status, eligible lists and appointment from eligible lists by hiring authorities.”
Also, for those municipalities not in civil service, the report will have “recommendations to improve diversity, transparency and representation of the community in recruitment, hiring and training for municipalities not subject to the civil service law and for the department of state police.”

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[1] The Town’s collective bargaining agreement with the Brookline Police Union has a provision stating that the employer must have “just cause” to impose discipline, which is a uniform standard in labor relations. Thus, the parties have a head start on that front.
[2] Personnel Administration Rules constitute regulations, written by HRD, enforcing the civil service law.
[3] Five civilian dispatchers went on to become Brookline firefighters (three white males and two African American males).
[4] Two Meter Collectors went on to become Brookline firefighters (one white male and one Hispanic/Latino male).
[5] The Norwood PD hiring policy allows candidates to substitute their veteran status for education requirements.
[6] Other factors include education levels, military service, prior law enforcement experience, prior public service and second language proficiency.
[7] HRD delegated this responsibility to Appointing Authorities about 10 years ago.
[8] Promotional hiring policy was also negotiated with the police union prior to revocation.
[9] The strong public policy favoring arbitration requires the courts to uphold an arbitrator's decision even where it is wrong on the facts or the law, and whether it is wise or foolish, clear or ambiguous. See *Plymouth–Carver Regional Sch. Dist. v. J. Farmer & Co.,* 407 Mass. 1006, 1007 (1990),
[10] Section 107 of Ch. 253 of the Acts of 2020.

IV. Valuing Police Department Personnel

The Brookline Police Department has 180 FTEs. With a total FY22 budget of $17,493,030, fully-loaded salaries account for $16,137,779 or 92.3% of the FY22 police budget. The Brookline Police Department serves the entire Brookline community and accounts for ~5.3% of the Brookline General Fund.

A. *Recruitment, Retention, and Promotions: Considerations Beyond Civil Service*

1. Recruitment

The Department understands the importance of attracting and retaining qualified people to provide high quality police service to the Brookline community. There is also a great need to ensure the Department accurately reflects the community they serve. In particular, it is important to recruit officers from Brookline. Current efforts at recruitment are extensive and spread across many areas. For example, officers have a presence in town schools and the high school police academy is always well attended. Many types of internships take place with area college students, including Northeastern University Co-op program.
Some non-police jobs in the department are filled with young people who want a career in policing. These jobs provide a bridge that allow people to learn about the department while waiting to become eligible to go through the hiring process. There are many other forms of community outreach done by members of the department that assist them in the recruitment of personnel. Attached in the appendix is a fact sheet on recruitment efforts as well as General Order Number:22.1 Recruitment and Selection of Personnel. (Appendices 5 & 6)

The current civil service system is weighted for veterans as a preference and not for diversity according to Anna Braga. Brookline has such a low salary structure that it is not conducive to recruiting minority or women officers who are in very high demand by other police departments to fulfill the goal of a diverse police force. Even if a minority or woman officer is recruited and hired, that officer would be considered underpaid in comparison to other communities. The standard of living especially housing cost is high in Brookline, such that the officer would have difficulty living in the town (Appendix 7). Notwithstanding these impediments, the BPD has been able to recruit and hire some minority and women officers and has been more successful than a neighboring community with a much larger police force who has only one minority officer on the entire force.

As part of the Police Department's efforts to actively recruit quality candidates for future police officer positions, the Department may want to consider initiating a Police Cadet Program. This program provides an opportunity for residents who are interested in a career in law enforcement to join the Brookline Police Department. This program would allow young residents to experience what it would be like to enjoy a career in policing with Brookline. These paid civilian positions, would provide a cadet with valuable on the job training in a variety of assignments within the Department. The cadets would also work with various groups in town which will instill in them the values of community policing. A program such as this would also assist the Department in its efforts to recruit a diverse workforce that reflects the community it serves.

The Boston Police Department has a 2-year cadet program which can be used as an example for defining how best to set up a program that meets the needs of the Brookline community. Boston eligibility requirements are as follows:

a. Between the ages of 18 and 25
b. Have a high school diploma or GED
c. Be a current resident of Boston and must have maintained a Boston residency for the last five years
d. Be a citizen or naturalized citizen of the United States
e. Have a valid Massachusetts driver's license (good driving record preferred)

In Boston, cadets may also receive preference on the list of eligible candidates for a police recruit class if:

a. They complete the two-year cadet program, and
b. They pass the Civil Service Police examination.

It is important to note that Boston's model is being shown as an example only. Brookline, if it decides to explore this option, can determine their own eligibility requirements. Furthermore, in order to gain a hiring preference for cadets, it may be necessary to gain approval through a home rule petition to the Legislature, Civil Service or both.

The Act created a 21 member commission to study the establishment of a statewide law enforcement officer cadet program."[1] The commission would evaluate the establishment of a statewide law enforcement officer cadet program through which all law enforcement agencies, such as local police departments may hire law enforcement officers and would make recommendations to the legislature.
The commission will study the feasibility and benefits of establishing a cadet program. The questions or issues to be addressed by the commission in the study are as follows:
(i) impact on diversity within law enforcement agencies;
(ii) impact on veteran preference hiring within law enforcement agencies;
(iii) recommendations to ensure increased diversity across law enforcement agencies;
(iv) proposed standards for admission to the statewide cadet program, including, but not limited to, age, education and physical, psychological and mental health;
(v) proposed standards, including form, method and subject matter, for a qualifying examination which shall fairly test the applicant's knowledge, skill and abilities that can be fairly and reliably measured and that are actually required to perform the primary or dominant duties of a law enforcement cadet;
(vi) proposed standards for completion of the cadet program and enlistment as a uniformed law enforcement officer;
(vii) recommended cadet compensation and benefits, including, but not limited to, insurance coverage, retirement and pension benefits;
(viii) the feasibility of providing specialized training required for appointment to a particular agency or by a city or town; and
(ix) any other information the commission deems relevant.
By December 31, 2021, the commission must submit its findings and recommendations relative to the establishment of a statewide law enforcement cadet program.

2. Retention

Retention is a very important issue in policing today. Departments around the country are experiencing officers leaving at rates not seen before. A lot is invested in hiring and training officers and many departments are looking within their organizations to make sure they are providing support to their officers. In recent years, Brookline has expanded opportunities for officers to try different aspects of policing. Officers can join the Bicycle Unit, Patrol/Warrant Unit, Crisis Intervention Team, Special Response Team or one of the committees that have been developed to provide suggestions to improve the department. The Department also provides wellness programs for officers who have experienced traumatic events in the performance of their duties. This subcommittee has also heard from people about the need to take a look at officer's pay scales to ensure it is competitive with other departments in the area. (Appendix 7)

President of the Brookline Police Union, Michael Keaveney, met with the Personnel Subcommittee and shared that although the last few hiring cycles has brought on a diverse pool of officers, the Town has had difficulty retaining its police work force. That problem cannot be solved by leaving, or remaining in, the civil service system. Mr. Keaveney explained that the pay scale in Brookline lags behind other police departments such as Newton, Boston and the State Police.

There are only three steps for a pay increase for the police officer in a career with the Brookline Police Department. The first step occurs after three years of service. After ten years, the officer receives a longevity pay increase. The final pay increase is after twenty years. In other communities, an officer has more opportunities for pay increases with more steps than the three steps in Brookline according to Ann Braga, Brookline's Human Resource Director. When Brookline has posted an opening for a lateral transfer to obtain an experienced officer from another community, Brookline has not been historically successful. Now, there are two Brookline lateral positions posted without any interest.

Further, the younger generation is not as interested in working voluntary details as they would rather spend their time with family and friends, thus creating an incentive for them to find employment with a police department that pays a higher base salary. Mr. Keaveney echoed Chief O'Leary's comments that police officers are reluctant to seek promotional opportunities because the increase in pay is not sufficiently enticing to justify the added responsibilities that come with promotion. As a result, with the exception of one Asian male who is a sergeant, there are no other high ranking minority officers within the Department. Finally, according to Mr. Keaveney, low morale exacerbates the retention issues as the police force often feels under attack by the Brookline community. Since 2011, Brookline has had 26 officers leave early for better opportunities, including four from the class of 2012.

One particular issue that impacts pay and retention in the Brookline Police Department is that Brookline has not adopted Quinn for pay incentives since the state ended the program in 2010. Brookline does provide a $10,000 stipend to those officers who take additional college coursework in a list of expanded qualifying classes beyond the original Quinn stipend; however, this must be bargained every year, is not large enough to compete with neighboring communities, is not large enough to provide a strong incentive to commit the time, effort and cost to ongoing coursework, especially for younger officers, and creates a disparity in pay and benefits between newer hires and older officers who are grandfathered in under the Quinn bill. The disparity creates a morale issue along with the perception that Brookline highly values education except when it comes to police officers. (Appendix 8)

Retention is also a concern in the 911 Response Center, which is currently operating at 2/3 “full” staff. When shifts are not scheduled due to a shortage of dispatchers, overtime is mandatory. Fifty employees have left Civilian Dispatch since 2002, most to become firefighters or police officers, not necessarily in Brookline. Dispatch has often been a stepping stone, but now the pay disparity with other communities has caused more than 10% of those leaving to leave for other 911 Centers or no further employment. Difficulty maintaining consistent leadership in the call center also challenges retention and work satisfaction.

With a particular focus on retention, the Policing Reforms Committee worked with the Police Department and the Brookline police union to survey employees of the Police Department about their thoughts and experiences, as well as their suggestions for reforming the Department. The survey ran from February 22-28, 2021. There were 87 respondents to the survey, representing about a 50% response rate. More review and analysis needs to be done at the time of the writing of this report in order to digest all of the rich information, including many thoughtful responses to open-ended questions that suggest many ways to improve the Brookline Police Department. Some highlights are as follows:

- Police employees thought that residents had a lukewarm opinion of them. 45% of respondents reported that residents of the Town viewed them favorably, while 31% thought residents viewed them unfavorably. The remainder of respondents were unsure or thought residents were neutral.
- More troublingly, Department employees generally did not feel that the leadership of the Town viewed them well. Just 10% of employees thought the Town's leadership viewed them favorably or very favorably, while 67% of employees thought the Town's leadership viewed them unfavorably or very unfavorably.
- Morale in the Department is very low. 87% of respondents said morale in the Department was poor, while just 3% said morale was good or excellent. 61% thought levels of compensation were poor, while about 5% thought compensation was good or excellent. 85% of employees have seriously considered leaving the Department and several responses to open-ended questions suggest that many employees are actively looking to leave the Department.

While many results from the survey are concerning, they are not all negative. For example, 97% of respondents agreed or strongly agreed that they worked well with their peers in the Department. Officers and employees also provided many helpful suggestions for improving policing, including alternatives to responding to many quality of life calls, such as leaf blowers, snow removal, turkeys, other animals, Covid concerns, and mask wearing. A summary of the results of the survey will be available to the Select Board and to the Police Commissioners' Advisory Committee for follow-up to this Committee's process as valuable information for ongoing reforms and improvements.

3. Promotions

Through the collective bargaining process, Brookline upgraded its promotions examination for the ranks of Sergeant and Lieutenant. For years, the exam was based on a reading list as well as criminal and case law. It became clear that a change in this type of process had to be made in order to ensure supervisors understood policies and procedures in many critical areas. Through negotiations, these exams now have additional questions on them that are based on these policies and procedures. This has added to the challenges associated with studying for the exam but it provides for a more well-rounded supervisor.
Furthermore, the department has provided training in policies and procedures for any officer who is taking a promotional exam. Prior to this component being added to the exam, there was no cost to the town to participate in the exam process. However, with this upgrade, the department has been charged $7000.00 each exam cycle by the State's Human Resources Division.

Although the Town is considering the possibility of removing the Police Department from the oversight of the Massachusetts Civil Service Commission, as promotions are now still done through Civil Service, it is important to urge officers to take the promotional exams. Currently promotions are still restricted by looking at only the top three on the list under civil service rules; however, Brookline does not hire solely based on the test score, but includes in its consideration the interview, recommendations, work habits, volunteerism, and use of sick leave. Promoting officers is a factor in increasing retention.

If the decision is made to come out of Civil Service, the Town will need to put in place a number of new procedures, including a process for hiring and promoting police officers. As part of the promotional process the Town will likely consider using an assessment center as one of the components in order to select the most qualified person for promotion within the Police Department. (Appendix 9)

Assessment Centers for promoting personnel in the police field have been used for a number of years. This type of assessment can be administered as just one component of a multi-tiered hiring process or as a stand-alone method in selecting a candidate for promotion. Assessment Centers are used by police agencies to obtain the most

qualified and capable persons for supervisory and management positions within the agency. Assessment Centers are usually staffed by a panel of assessors consisting of current and/or former police supervisors or managers who are tasked with evaluating each candidate's responses to realistic job-related exercises. This process allows for a candidate to be measured based on multiple evaluations of their work. It is designed to provide a series of exercises that allow the assessors to evaluate a candidate's abilities to handle the responsibilities of the next highest position in the police agency. Some of these exercises are:

1. Oral presentations
2. Role-playing
3. Written exercises
4. Group discussions
5. Structured interviews
6. Various in-basket exercises

As with any process there are pros and cons that should be mentioned. Some of the benefits are that an assessment center can provide for a more accurate selection of a candidate because these centers allow for a broad range of methods to be used during the selection process. A center can also facilitate an assessment of the candidates existing qualifications that may be used for agencies to predict future performance.
A couple of the drawbacks are that this method can be costly and the Town must keep in mind that it needs to hire experienced, unbiased and professional assessors to evaluate the candidates.

4. Leadership Stability

Leadership stability is essential to recruitment, retention and promotions. The Brookline Police Department is fortunate to have Interim Chief Morgan who has stepped into this role twice for ~ten months each time. The Interim Chief is not intended to be put in place for a long time, but a search for a permanent Chief will take time. The Town finds itself in a unique situation, such that the Interim Chief may be in place for a longer than optimal time at a time when the department needs stable leadership that can provide what the department and the community needs. This Subcommittee recommends that the Select Board explore options to stabilize the Department during this time of change, including creating an Interim Chief position, which allows promotions into higher ranks, and acknowledges that the search process might result in the Department running with an extra higher position during a transition period once a permanent Chief is in place.

B. Officer Training

Brookline trains its officers beyond the basic standards for officers, such as a high school diploma, successful completion of basic training, physical fitness and psychological fitness standards, passing an examination and a background check, certification in first aid and cardiopulmonary resuscitation and demonstrating a good and moral character. Training police officers is much more complex than telling officers to be less biased in their interventions.

Brookline has trained 100% of its officers in CIT over the past decade (Appendix 10) and 100% of its dispatchers in mental health first aid. This extraordinary accomplishment and sign of excellence contributed to the selection of the Brookline Police Department by the Massachusetts Department of Mental Health as one of five Training and Technical Assistance Centers (CIT-TTAC) in the state as a resource for other police departments to become trained in community Crisis Intervention Teams. These intensive forty hour trainings educate each officer in signs and symptoms of mental illnesses; medication and treatment; suicide assessment and prevention; mental health issues in children and among the elderly; alcohol and drug assessments and issues; and de-escalation techniques (Appendix 11 & 12).

Every year the Police Department provides its officers with, at a minimum, 48 hours of in-service training on a variety of topics. A lot of this time is taken up by state mandated training. The time spent training officers is on-going through the fiscal year. This year, the Department will provide trainings in the following topics:

- Firearms qualifications (day and night)
- Defensive tactics/Applied Patrol Procedures
- CPR/First Responder
- Implicit bias training
- Legal updates
- Domestic terrorism
- Responding to pandemics and similar emergencies
- Longevity in law enforcement

All of the above are either mandated by the Massachusetts Police Training Council or are recommended by them. They exceed 48 hours but the cost will be managed within the budget. The Department also enhances these topics. For example, CPR/First Responder is taught by Brookline Officer Tim Yee. His training will exceed the requirements by including tourniquet/scenario bleeding simulations training.

The Department will also provide training this year under the EPIC program (Ethical Policing is Courageous). This is a peer intervention program designed to promote a culture of high quality, ethical policing. EPIC educates, empowers and supports the officers on the street to play a meaningful role in policing one another. Several Brookline Officers will also be trained through the Georgetown University Law Center's ABLE Project (Active Bystandership for Law Enforcement). This additional training was obtained through a grant and will allow them to teach this subject to their peers.

Section 30 of Ch. 253 of the Acts of 2020 inserted an entire new chapter 6E to establish the 9 member Massachusetts Peace Officer Standard and Training Commission ("MPOSTC") to certify and decertify police officers.

The Act empowered the MPOSTC to "act as the primary civil enforcement agency for violations" of the standards contained in chapter 6E; establish, jointly with the municipal police training committee minimum officer and police department certification standards, certify qualified applicants to be a police officer and police department, deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person or police department certified for any cause that the commission deems reasonable; receive complaints from any source and preserve all complaints and reports filed; demand access to and inspect, examine, photocopy and audit all papers, books and records of any police department; conduct adjudicatory proceedings in accordance with chapter 30A as an administrative agency; issue subpoenas and compel the attendance of witnesses; and refer cases for criminal prosecution to the appropriate federal, state or local authorities. This power to make referrals include "patterns of racial profiling or the mishandling of complaints of unprofessional police conduct by a law enforcement agency for investigation and possible prosecution to the attorney general or the appropriate federal, state or local authorities"(Section 3(a)(29)) of Chapter 6E. Section 30 of the Act takes effect on July 1, 2021 with exception of certain portions of sections 14 and 15[2] of chapter 6E[3].

Furthermore, The Act prohibits a police department to appoint or employ a police officer who is not certified by the MPOSTC[4]. The division of police certification, in consultation with the division of police standards, shall create and maintain a database containing records for each certified law enforcement officer[5], which is also publicly available and searchable

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[1] Section 108 of Ch. 253 of the Acts of 2020.
[2] Section 14 of chapter 6E sets out the rules for the police officer's use of force including chokeholds and firearms. Section 15 of chapter 6E sets out the police officer's obligation to intervene to prevent the unreasonable use of force.
[3] Sections 122-124 of Ch. 253 of the Acts of 2020.
[4] Section 4(g) of chapter 6E.
[5] Section 4(h) of chapter 6E.

C. Officer Health and Wellness

"Hurt people can hurt people." – Tracey Meares, Yale law professor and 21st c. Policing Commission member

Officer health and wellness is critically important for mindful performance of one's duties as well as for an officer's own well-being. Stress and wellness impact decision-making critical to an officer's daily work. Studies have shown how decision making under stress is more likely to be based on unconscious biases rather than using one's rational mind (Appendix 13). Additionally, officers are at significantly higher risk of suicide, depression, and substance abuse than the general population, which is not surprising given their extremely high rate of exposure to trauma repeatedly and subsequent 25% incidence of Post-Traumatic Stress Disorder. Officers also have a much higher incidence of physical health problems and have a life expectancy ~20 years shorter than the general population.

It is in the best interest of the whole community to address officer's well-being. Improved interactions between officers and community members, increased retention, decreased absences, decreased early retirements, and decreased disability claims are outcomes well described in multiple sources. For these reasons, both officers and the community are partners in assisting officers to remain healthy. For example, Title VII, Ch 41, Sec 101A mandates no smoking is allowed in police officers(Appendix 14), and Title IV, Ch 32, Sec 94, "the heart bill" recognizes that any hypertension or heart disease that develops after a healthy physical examination on entrance into service, shall be considered a condition caused by their work(Appendix 15).

The Brookline Police Department already exceeds the standards set out in the Act with current programming. Crisis Intervention Team training for 100% of the officers sets a foundation for a culture steeped in de-escalation, support, recognition of social and emotional crises and risk factors, and a standard of all members of the department educated in basic mental health. This shared knowledge base is fertile ground for the development, acceptance and high utilization of programs which support officer health and wellness (Appendix 16).

Brookline is an active participant and leader in the Greater Boston Critical Incident Stress Management Team (CISM) serving 11 police departments (Appendices 17, 18, & 19). For example, Brookline's CISM responded to assist Newton already in 2021 after the tragic death of a man with mental illness wielding a knife who was killed by an officer in the line of duty. Brookline requested assistance from CISM seven times in 2020. Debriefing and defusing with any critical incident is common practice in Brookline and unlike most communities, Brookline includes dispatchers in these debriefings. This has been well-received by dispatchers who are first hand listeners to traumatic events and an example of a straightforward way to retain personnel despite the high stress of their daily jobs. Multiple trainings are offered through the peer support unit, such as suicide prevention, psychological and mental health first aid. Further education is strongly encouraged and supported in the department. In addition, a list of outside counselors is available as a resource for officers. There is no active chaplaincy program, an opportunity for development and collaboration with the Brookline faith community.

Another aspect of peer support is working shoulder to shoulder with a colleague in helping others. As they say in AA, you can't pick up a drink when you have one hand in God's and another helping a friend. Officers have bonded together around visiting veterans in the community, providing a caring community service as well as increasing morale among the officer corps. Another more recent effort has been peer support offered by fellow officers to officers with family members who have been targeted in the community because their parent or spouse is a police officer. The entire Brookline community has an opportunity to provide support to the families of police officers who experience bias in the community because of their work in law enforcement (Appendix 20).

When an officer needs more assistance than the above programs, several levels of intervention are available. The early intervention system is designed to assist a potentially troubled police officer, improve accountability and enhance the quality of policing in Brookline. This system is a progressive program that involves training, counselling and discipline. It is used to identify officers who may be having difficulties in performing police work.

By identifying these officers at an early stage, intervention can take place to correct behavior patterns thereby making it less likely they will re-occur in the future. This system will also identify problem areas, training needs and issues that must be addressed in order to provide professional and effective policing. In these cases, a program will be developed by the supervisor of the officer, subject to the approval of the Division Deputy Superintendent. The supervisor is to explain the program to the officer, outline the necessary steps in detail and the officer and the supervisor are to sign off on the plan, indicating their understanding of it. Reports are to be filed by the supervisor at regular intervals. The program will include, but not be limited to “ride-alongs" with the supervisor, increased one-on-one supervision, increased training and will cover a period of time not less than six months. An assessment will be made at that time as well as a decision on the status of the officer and whether or not to extend the program.

Brookline Police participates in the LEADER program at McLean Hospital, which connects first responders with specialized mental health and substance misuse outpatient and inpatient treatments. Human Resources Institute in Brookline provides a similar program, Honor Strong.

The Police Reform Act mandates officer wellness training and that departments participate in CISM:

> 1.) SECTION 116K. (a) The municipal police training committee shall develop and establish, within its recruit basic training curriculum and its in-service training curriculum available to in-service trainees, a course for police training schools, academies and programs for the training of law enforcement officers on mental wellness and suicide prevention. The course, which shall consist of 2 hours of total instruction annually, shall teach law enforcement officers how to: (i) utilize healthy coping skills to manage the stress and trauma of policing; (ii) recognize the symptoms of post-traumatic stress disorder within themselves and other officers; and (iii) recognize the signs of suicidal behavior within themselves and other officers.
> (b) The course shall include information on the mental health resources available to help law enforcement officers and shall be designed to reduce and eliminate the stigma associated with law enforcement officers receiving mental health services.
> (c) The course of instruction shall be developed by the municipal police training committee in consultation with appropriate groups and individuals having an interest and expertise in law enforcement mental health and suicide prevention.
> (d) All law enforcement officers shall annually attend and complete a course on mental wellness and suicide prevention.
>
> 2.) SECTION 118. Notwithstanding any general or special law to the contrary, the municipal police training committee, in consultation with the executive office of public safety and security, shall promulgate regulations requiring law enforcement agencies to participate in critical incident stress management and peer support programs to address police officer mental wellness and suicide prevention as well as critical incident stress and the effect on public safety. The programs shall be created internally within an agency or agencies may collaborate within a regional system. The programs shall include, but shall not be limited to, mental wellness and stress management pre-incident

and post-incident education, peer support, availability and referral to professional resources and assistance. The municipal police training committee shall ensure that each officer is notified of the program during each 3-year certification cycle under this act.

V. Recommendations

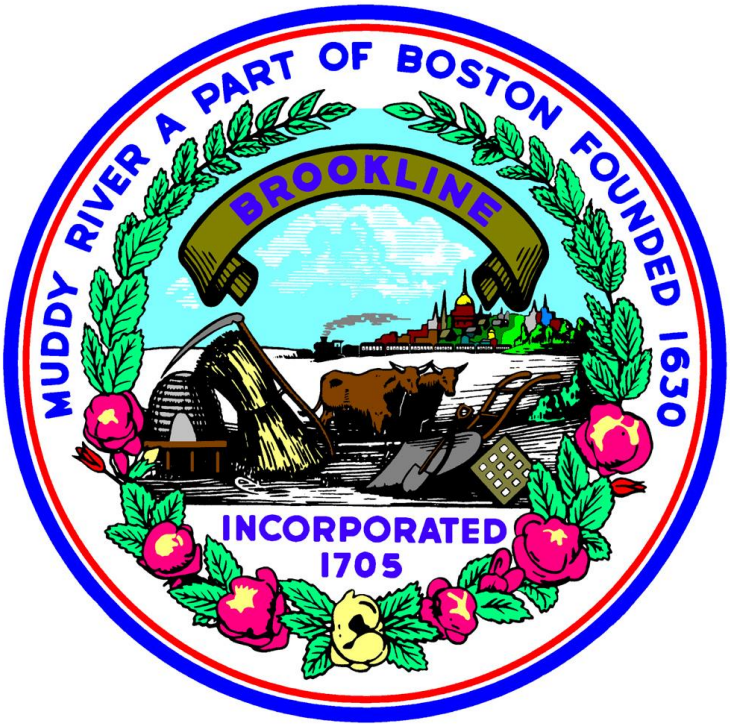
1. That the Police Commissioner Advisory Committee ("PCAC") proposed by the Accountability Subcommittee be approved by the Select Board to be in operation by July 1 (before the Police Officer Certification provisions of the Police Reform legislation takes effect).
2. That the BPD adopt the Subcommittee's proposed revision to its Mission Statement as submitted as part of the BPD budget.
3. That the Town Administrator review the Subcommittee's analysis of the pros and cons of removing the BPD from civil service, discuss those pros and cons with the Select Board, and prepare to make a decision once the Commission on Civil Service completes its study and the implications of the study are considered on or around October 1, 2021.
4. That the Select Board appoint a study committee to prepare a home rule petition to expand the Towns power to give preferences to different categories of potential applicants to the Police and Fire Departments, such as METCO students, such study committee to include police and fire union representatives.
5. That the BPD Incorporate into the Police Manual an oath of office that includes pledging to uphold the Constitution of the United States in addition to the Constitution of the Commonwealth.
6. That the Select Board take steps to increase stability in leadership for the BPD by filling vacancies at the Deputy, Lieutenant and Sergeant levels by laying out a clear timeline and process for interim leadership and a search for a new Chief, including opportunity for public input.
7. That the BPD implement a more robust Police Cadet Program to assist in diversity hiring.
8. That the Select Board study options to increase retention and promotions, including perceived pay disparities between Brookline and neighboring communities and the Quinn stipend disparity for new hires.
9. That the Select Board consider steps to incentivize officers to take Civil Service promotional exams, such as (a) subsidizing some of the costs associated with taking the exams, (b) urging the BPD to support study groups for promotion exam candidates, and (c) urging the BPD to formalize a mentorship program to assist candidates for promotions.

10. That the BPD and Human Resources Department systematically conduct exit interviews with all departing officers, including prior departed officers and Chief Lipson to fully understand barriers to retention.
11. That the BPD develops police specific counseling and chaplaincy programs to provide mental health and substance use treatment services in addition to the Employee Assistance Program.
12. That the BPD include in its meetings public school leadership on bullying and related problems to report and raise the need for school sensitivity on bullying, shaming, and isolating of police officers' children when there are intense discussions and actions related to social and racial justice and other emotionally intense issues involving police.
13. That the BPD maintain accreditation and state certification by MPOSTC and establish and implement record keeping procedures by July 1, 2021 to comply with certification of officers and the Department as delineated in The Act.
14. That the BPD monitor promulgation of new rules and regulations by MPOSTC and take all steps to comply as a department.
15. That the Select Board in their role as Police Commissioners undertake a full and comprehensive review of the Police Manual.
16. That the BPD solicit input from Department personnel to design expanded health and wellness programming, including physical and mental well-being.
17. That the Select Board and the BPD assimilate suggestions for reform and improvement identified by police personnel in the survey February 22-28, 2021.

CLICK HERE FOR THE COMMITTEE ON POLICING REFORMS APPENDICES

Task Force to Reimagine Policing in Brookline

Final Report



Final Report unanimously adopted on February 26, 2021

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Executive Summary

Abstract

Last summer, Americans filled the streets in cities across the country to protest police violence against African-Americans. The protests raised the question in communities everywhere, including in Brookline: does our police department treat all citizens equally, regardless of their race or ethnicity? And if not, how can we fix it?

Since the summer, and in line with the commitments made when we raised a Black Lives Matter banner outside Town Hall, the Task Force to Reimagine Policing in Brookline has sought answers to these questions. We have found both positive news – that overall the public is satisfied with the police – and alarming news – that Black and Latinx residents of Brookline feel discriminated against and fear being victims of police brutality at levels far higher than white residents.

Through our research, this Task Force has found disturbing patterns in traffic stops, wherein nonwhite motorists are not only disproportionately likely to be stopped but disproportionately likely to be ticketed when they are stopped.

Through our research, the Task Force has found that the Brookline Police is a constant presence in spaces in town where racial minorities are present. Without any public process, the Police Department and School Department agreed to have an armed School Resource Officer (SRO) stationed in Brookline High School. Without any public process or requirement by law, the Walk and Talk unit patrols Brookline's public housing and charges the Brookline Housing Authority for doing so.

Through our research, the Task Force is making several recommendations. Our community needs social services, but it needs them from trained social service professionals, not from police officers. We recommend closing down the SRO and Walk and Talk programs and creating a new social service department.

Where police are needed, we recommend greater oversight, transparency, and accountability. This proposal is grounded in our survey which shows that a super-majority (77%) of Brookline residents believe the Town should have a civilian oversight board with investigative powers.

Background

There is a disturbing history of policing in America. From the days of slave patrols until today, policing has been used to exert control over people of color, immigrants and poor people. This history has been well-chronicled and is critical to understanding the need for reimagining. As a primer, we encourage you to read the New Yorker piece, The Invention of Police.

More proximally, our Task Force was constituted as a direct result of the righteous multiracial, multigenerational uprising demanding greater oversight and accountability of police. This uprising followed the killings by police of George Floyd, Breonna Taylor and so many other Black, Latinx and Indigenous people.

Those who have studied inequities in policing understand how even the best-intentioned reforms decade after decade have failed to make policing safe, just and equitable, especially for communities of color. The bottom line is that police reform has failed communities of color and therefore society as a whole. Reform alone has only a marginal impact, at best.

The current need for reimagining is not solely about what happened many years ago or a thousand miles away in Minneapolis or Louisville or Ferguson. This work necessarily focuses on policing right here in Brookline. It is also in response to the many disrciminaton complaints in Brookline – those that have been formally filed and the many more that have been shared in other ways – including by two of Brookline's own, now former, Black police officers.

We understand that there are many people in this community who have only had good experiences with the Brookline Police Department, but, as one insightful commenter said at one of our public hearings, "Your good experience does not cancel out someone else's bad experience."

There is a certain human tendency to believe that something is not a problem because it has not been a problem for us. The eleven members of our Task Force do believe inequitable policing is a problem in Brookline, and we are not alone.

We are joined by Brookline's Anyaosah family, whose daily peaceful protests along Route 9 brought hundreds of residents to join them and then hundreds more at protests across from the Brookline Police Department.

We are joined by Brookline's Lexi Harriman, hundreds of BHS students, and thousands of residents and neighbors who took to the streets, peacefully, to share their stories of local issues with policing – right here in Brookline – demanding justice and accountability.

For anyone who attended these events and others like the Humanize Black Voices event led by young people on Cypress Field, the evidence is clear – yes, there is a problem here.

In June 2020, Brookline's Select Board in the midst of public outcry made a symbolic gesture, shifting $166,000 in police overtime to other purposes related to social services. Soon after, Town Meeting rejected more substantive cuts to the police budget, with many citing the need to know more about how those funds could better be spent.

Select Board Member Raul Fernandez had, prior to the Select Board and Town Meeting votes, proposed a reimagining of policing and public safety more broadly. One that would explore, propose, and recommend investing in alternatives to policing, where appropriate.

There were several key tenets embedded in that proposal:

First, that a community holds the power to determine its own approach to community safety, which includes determining if and how police should be part of that approach.

Second, that there are members of our community and those in our neighboring communities for which Brookline's current model is simply not working. That is unacceptable.

Third, that police need to be held to the highest standards and we need clear accountability measures for what happens when officers fail to live up to those standards.

And finally, that this moment is an opportunity to rethink our relationship with police, yes, but also to reconsider how we invest in the long-term wellbeing of residents and neighbors.

Select Board Member Fernandez first shared that proposal publicly on June 3rd. After a contentious Town Meeting season and weeks of debate on the Select Board, the proposal for a Task Force to Reimagine Policing in Brookline, after first being rejected by the Select Board in its current form, later passed unanimously on July 21st.

The Select Board decided to create two bodies that night – a committee focused on reform, chaired by Select Board Chair Bernard Greene, and a task force focused on reimagining our approach to public safety, chaired by Select Board Member Fernandez.

Task Force Charge

The Task Force to Reimagine Policing in Brookline was charged to explore and recommend new approaches to public safety and policing in Brookline, utilizing a data-informed approach to interrogate our current model and provide a distinctly alternative approach to public safety.

The eleven members of the group exceeded the criteria for diversity as outlined in the charge, that at least half would be people from communities disproportionately impacted by policing.

There were six members of color including one Latinx, two Asian, and three Black members, as well as five women, and one transgender member. Immigrants and one Brookline Housing

Authority resident were included among our members. As a group, we represented a wide variety of ages, identities, and experiences.

More information on the charge and members can be found in the appendix of the full report.

Process

The Task Force held weekly meetings for six months, from August 28, 2020 to February 26, 2021. These meetings were all publicly noticed and held through Zoom due to the ongoing pandemic and live streamed by Brookline Interactive Group. Recordings of these meetings and our subcommittee meetings are available on our page on the Brookline website.

We arranged ourselves into five subcommittees, including:

- Envisioning / Community Engagement
- Departmental Analysis
- School Resource Officers
- Walk & Talk Unit
- Vulnerable People & People in Crisis

More information on the work of these subcommittees is available in the full report.

We sought community feedback and expert input in a number of ways. One was through a survey in partnership with Tufts University through which we sent invites to 25,000 Brookline residents and received 1,343 responses. We also held seven public hearings where we heard from scores of residents and received comments through email from many more. Task Force members also held numerous conversations with residents, content experts, elected officials, members of the police department, and other key stakeholders.

More details on our approach to community engagement is available in the Envisioning / Community Engagement subcommittee report as well as other subcommittee reports. Also included is the raw survey data as well as our full methodology, findings, and conclusions.

Survey Findings

1. Brookliners generally have positive views of the police force. That said, Black and Latinx residents have had more negative experiences with the Brookline Police and would feel less comfortable than whites and Asians in calling the police if they needed help.

2. Compared to white residents, Black residents are *forty-eight times* more likely to feel discriminated against by police on the basis of race.

3. Respondents across racial groups perceive discrimination on the part of the Brookline Police department against Black and Latinx residents.

4. The majority of Brookline residents do not believe the department effectively holds its officers accountable.

5. There is widespread support for the Town utilizing social service workers rather than the police in scenarios where the risk of physical conflict is low.

6. A super-majority of Brookline residents (over three-quarters) believe the town should have a civilian oversight board with investigative powers.

7. Brookline residents overwhelmingly favor increasing police oversight, transparency, and accountability, while limiting their scope of duties and use of force powers.

Additional Findings

1. There is no comprehensive vision for public safety provided by the Town or information on how Brookline works to ensure that public safety resources are delivered equitably.

2. What are characterized as “collaborative” efforts between the Police Department and other bodies often lack appropriate buy-in from the communities they claim to be collaborating with.

3. The Police Department has not been capturing all field interrogations or vehicle stops in the data presented in its annual reports. Logging those stops is at the discretion of the officer.

4. 86% of motorists stopped in Brookline are <u>not</u> Brookline residents.

5. Based on data provided by the Police Department and an analysis of traffic patterns provided by Brookline’s Transportation Administrator, we found that Black motorists are disproportionately more likely to be stopped by police.

6. Compared to white motorists, motorists of color – especially Asian Americans – are significantly more likely to receive tickets rather than warnings when they are stopped.

7. There are almost no stops where a simple stop (basic speeding, failure to signal) leads to getting a gun or a dangerous person off the streets in Brookline, dispelling one narrative used to support police conducting traffic enforcement.

8. Police units like the School Resource Officer and Walk & Talk units were established without any public process or measurable outcomes.

9. While police have been in Brookline schools dating back to the failed DARE program, an MOU between the Police and School departments was not signed until 2019. That agreement was signed by Police Chief Andrew Lipson and Interim Superintendent Ben Lummis – neither of whom are in those roles today.

10. Prior legislation did not require SROs to be located *within* schools, as is the case at BHS. Legislation passed in the State House at the end of 2020 has now eliminated the requirement for communities to have any School Resource Officers.

11. There has never been an MOU between the Brookline Housing Authority and the Town of Brookline since the founding of the Walk & Talk unit in 1992. This is despite annual $15,000 payments being made from the BHA to the Police Department over many years,

12. While research shows that Crisis Intervention Team training is an effective program to teach police officers how mental health issues can impact crisis interventions, the impact of CIT training on changing police behaviors is largely unknown.

13. While there are community-based resources focused on mental health in Brookline, none of them focus on pre-crisis services, which comprehensively address underlying inequities.

Additional findings are continued in our subcommittee reports.

Recommendations

Our recommendations envision a more innovative, forward-thinking Brookline. One focused on community-driven processes which are both respectful and supportive of low-income people and communities of color. One which increases police oversight, transparency, and accountability while limiting their scope of duties. One which shifts precious and limited resources away from programs that merely address the symptoms of inequities to investing in those that address the root causes of those inequities. One which affirms its responsibility and takes great pride in working collaboratively toward a just, safe, and equitable community.

Envisioning/Community Engagement

The Task Force recommends that Brookline adopt a community-driven model of engagement, particularly focused on youth and traditionally under-engaged communities, by hosting smaller trust-building conversations and eliminating programs which provide more benefit to the Town than to these communities.

1. Implement a child-centric vision of Public Safety that (beyond Police and Schools) builds on the great work of departments like Recreation and Transportation and directs more funding to youth-centered programs.

2. Launch a website that provides a comprehensive vision for public safety and provides resources for the community.

3. Develop a community-driven model for safety and justicethat centers the voices of the communities closest to public safety issues to identify priorities and generate solutions.

4. Eliminate community programs that are or may be perceived as one-way relationships, providing more benefit to Town departments than the community.

5. Rather than relying on public hearings as the primary approach for soliciting input, Brookline's boards should engage in more small group trust-building conversations.

Departmental Analysis

The Task Force recommends reorienting the method by which the Town oversees the Police Department and provides input about current practices and new innovation. Citizen oversight must play a central role. Citizen input and oversight should occur both informally and formally. Based on continued evidence of racial bias in traffic enforcement, we are also recommending the filing of a Home Rule petition to permit traffic enforcement by civilians.

1. The Brookline Police Department should participate in a minimum of six public meetings annually in which residents can ask questions and offer suggestions.

2. The Brookline Select Board should appoint a permanent police oversight committee with the powers to investigate civilian complaints and approve mutual aid agreements, anti-bias training, and other major department policies.

3. The Brookline Police Department should conduct more data collection and analysis and communicate this data to the public. There should be more data collection and transparency about evaluations and promotions in relation to performance and training.

4. The Brookline Police Department mission statement should explicitly include an affirmation of equal treatment of all people, regardless of race or ethnicity. It should include a hyperlink to file a complaint.

5. Brookline should file a Home Rule petition in the state legislature to permit certain limited traffic enforcement functions to be fulfilled by civilians.

School Resource Officers

The Task Force recommends removing School Resource Officers from schools. They are not trained educators and using them in service of educational purposes undermines the pillars of safety and community that are necessary for students to thrive in our schools.

1. The Brookline Select Board or School Committee should remove SROs from schools.

2. If these bodies are determined to keep the SRO positions, it must be after engaging in an authentic reauthorization process prior to the start of the 2021-22 school year.

Walk & Talk

The Task Force recommends eliminating the Walk & Talk Unit. It is a relic of failed policies of the past which overpolice low-income communities, especially communities of color. It spends precious municipal dollars to provide some ancillary services to a handful of residents instead of investing those funds into directly addressing the critical needs of our residents.

1. The Brookline Select Board or BHA Board of Commissioners should eliminate the Walk & Talk Unit.

2. The Brookline Select Board should increase engagement with BHA residents to better understand the challenges they are facing and to collaboratively envision new solutions.

3. Develop a website that provides access to available social services and other resources and centralizes the community's advocacy and visioning work around public safety.

Vulnerable People & People in Crisis

The Task Force recommends that the current model of police as first responders in nonviolent crisis interventions be replaced with a community-based crisis model like the successful CAHOOTS program, which is a decades-old success in Eugene, Oregon. This would add a well-trained civilian component to our crisis response model. This program would be managed through a new social services department that we are currently calling Brookline Forward.

1. The Brookline Select Board should enter into a consulting contract with CAHOOTS to develop a community-based crisis model that works best for Brookline.

2. Implement additional pre-crisis services to assist people in order to prevent crisis, and to support people who might be struggling with isolation, homelessness, mental health issues, and/or substance use.

3. Implement additional follow-up services to support people after a crisis occurs, including family supports, childcare options, housing supports and resources, vocational training, access to medical care, food security, etc.

4. Better publicize existing social services through a centralized Brookline website and a public education campaign.

5. Form a new social services department to coordinate existing Town services, partner with local agencies to enhance collaboration, and develop programs which address long-standing inequities in Brookline. A description of this department is on the next page.

Brookline Forward

The Task Force proposes the creation of a new social service department in Brookline. It will address gaps in our social safety net that are currently being addressed through policing. The focus of this department would be to address the symptoms as well as the root causes of the inequities outlined below. The name Brookline Forward is a placeholder.

Brookline Forward will provide residents with the support they need to thrive. A new, innovative department of the Town of Brookline, Brookline Forward will partner with the Brookline Housing Authority, Public Schools of Brookline, Brookline Senior Center and local social service agencies to deliver timely, critical services, while conducting research, analyzing data, and implementing programs designed to counteract economic, health, and other inequities deeply rooted in racism, sexism, ageism, and other forms of oppression.

Brookline Forward will bring together existing offices under one umbrella including the:

- Office of Diversity, Inclusion & Community Relations;
- Council on Aging; and
- Office of Veterans' Services.

While establishing new offices including:

- Youth & Family Services;
- Community-Based Crisis Response;
- Immigrant & Refugee Services; and
- Economic Equity.

Brookline Forward will also provide staff support for the:

- Domestic Violence Roundtable;
- Commission for Women;

- Brookline Commission on Disability; and
- a new council on LGBTQIA+ Inclusion.

Brookline Forward will also partner with other Town departments as necessary to meet community needs. This includes working with Health & Human Services to develop a mental health incident response team, with the Building and Fire Departments to ensure residents are living in safe housing, and with the Police Department on diversion efforts for youth.

Brookline Forward will be funded by municipal dollars, including funds shifted from the Police Department, as well as local, state, and federal grants.

In addition to existing personnel, new staff at inception may include one administrative and three professional staff members as well as a new Commissioner to lead the department.

Survey: Public Attitudes about the Police Department in Brookline, Massachusetts

January 25, 2021

Acknowledgments

The data analyzed in this report comes from a study conducted by Professor Brian Schaffner of Tufts University. Professor Schaffner designed and administered the survey. The survey was approved by the Tufts University Institutional Review Board, which reviews research involving human subjects.

Professor Schaffner initially designed his study with the intent on surveying residents of Medford and Somerville. Upon learning of his study, the Select Board's Task Force to Reimagine Policing in Brookline asked Professor Schaffner to extend the study to Brookline. Brookline paid Tufts University $15,000 to cover the costs of printing, postage, and labor to conduct the Brookline portion of the study.

After respondents submitted their answers to the survey questions, Professor Schaffner transmitted the raw, de-identified data file to Professor Eitan Hersh, who is political science professor at Tufts as well as a Brookline resident and member of the Task Force to Reimagine Policing in Brookline. Professor Hersh conducted the data analysis and wrote this report as part of his volunteer role on the Task Force.

Methodology

Brookline residents were identified based on a town census file. Twenty-five thousand (25,000) individuals listed as adult residents of Brookline were sent a letter on Tufts University stationary. The letter contained an invitation to take an online survey. The letter contained a unique code so that only individuals who received letters could participate in the survey. In a handful of cases, individuals contacted a member of the Taskforce or Professor Schaffner and said they wanted to fill out the survey but they accidentally threw away the letter. In these cases, Professor Schaffner provided the individuals with their unique code.

In surveying residents, the sample was stratified in order to oversample African-Americans and Latinx residents. Professor Schaffner employed an algorithm that uses residents' names and Census blocks to estimate the probability that they are a member of various racial groups. Any resident whom the algorithm predicted has a 10 percent chance or greater of identifying as Black, Hispanic, or a race other than Black, Hispanic, White, and Asian was included in the sample. Asians were not oversampled because Asian identifiers make up a sufficiently large proportion of the town residents that many Asian residents would be solicited through random

sampling. In addition to the algorithm, Professor Schaffner sampled all residents living in addresses identified as part of the Brookline Housing Authority.

The oversample of public housing residents and residents predicted as not White and not Asian included 8,586 names. The remainder of the 25,000-person sample was a simple random sample of all other Brookline adult residents. Prior to mailing any residents, however, Professor Schaffner removed individuals who were listed according to public records as having moved out of Brookline. This was done through the U.S. Post Office's National Change of Address registry. Any resident who was listed as having moved was replaced in the sample by another resident randomly selected from town residents.

The mailers began arriving at the homes of Brookline residents on November 23, 2020. As of January 13, 2021, 1,343 individuals responded, yielding a response rate of 5.4%.

The final sample was weighted to be representative of Brookline adult residents. Professor Schaffner calculated propensity score weights to match the profile of adults according to their age, party affiliation, and precinct. A second stage of weighting used calibration raking to ensure that the sample was representative of Brookline residents on gender, race/ethnicity, and education (based on the most recent Census estimates).

Demographics

Respondents were asked to identify their racial group. They could select one or more of the following categories: White; Hispanic, Latino/Latinx, or Spanish origin; Black or African American; Native American/American Indian/Indigenous or Alaskan Native; Asian; Native Hawaiian or Pacific Islander; Middle Eastern or North African; Another race, ethnicity, or origin.

Of 1,343 respondents in the sample (unweighted), 1,151 identify as white, 37 identify as Black, 57 identify as Latinx, 102 identify as Asian, 10 identify as Native American, 3 identify as native Hawaiian or Pacific Islander, 27 identify as Middle Eastern or North African, and 43 identify as other. Of those who identify as other, they were asked to enter text to describe their race. The majority of these individuals identify as Jewish. Others identify specific countries of origin (e.g. "Indian", "Brazilian"). Some respondents identify as more than one racial group.

For the purposes of this analysis, I will focus on those who identify in four racial groups. I define White as those who identify as White and do not identify with another racial group. I define Black as those who identify as Black or African American. I define Latinx as those who identify as Hispanic, Latino/Latinx, or Spanish origin. And I define Asian as those who identify as Asian.

Thirty-four percent (8,586/25,000) of the survey solicitations went either to residents of public housing or to individuals predicted to be in a non-Asian racial minority group based on their name and geography. Of the 1,343 respondents, 24.2% (326) come from this oversampled pool. Whereas 83% of respondents in the general sample identify as white, 70% of respondents in the oversample identify as white. Note again, that name-based oversample included anyone whose name suggested they had a 10% chance or more of being in a non-Asian minority group.

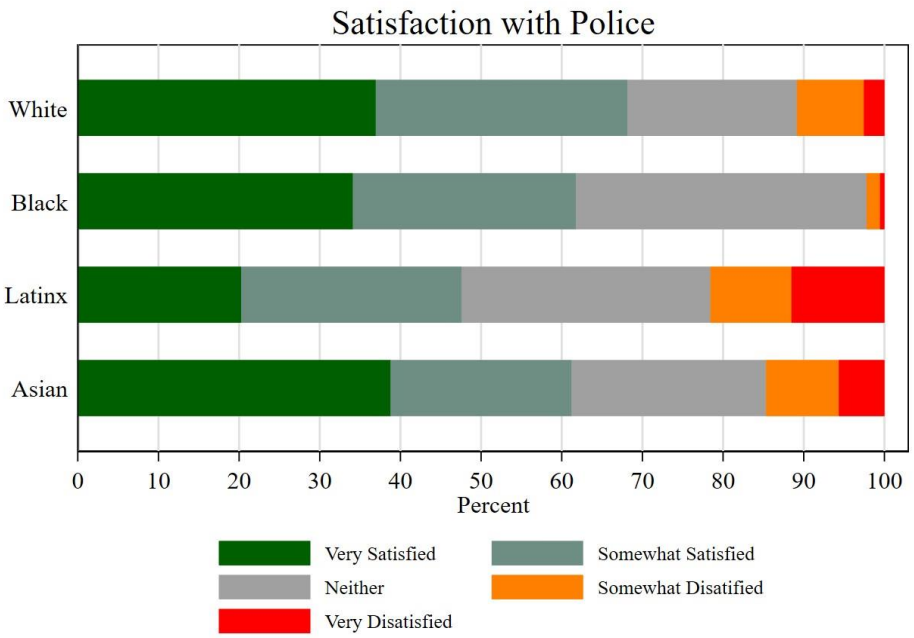
Other demographics. By gender, 53% of respondents identify as women, 46% identify as men, and 1% identify as other. By education, 94% of the respondents (again, unweighted) hold at least a bachelor's degree. By age, the median respondent is 52 years old. A quarter of the respondents are between 18-33. A quarter of the respondents are older than 66. 288 respondents report being the parent or guardian of a child under 18, and 237 of these respondents report having a child currently enrolled in school.

For the remainder of the report, I will utilize the weights to make the sample as representative of the town population as possible. Whereas the unweighted sample is 80% white, 3% black, 4% Latinx, 8% Asian, and 6% other, the weighted sample is 69% white, 4% black, 7% Latinx, 18% Asian, and 3% other.

Overall Impressions

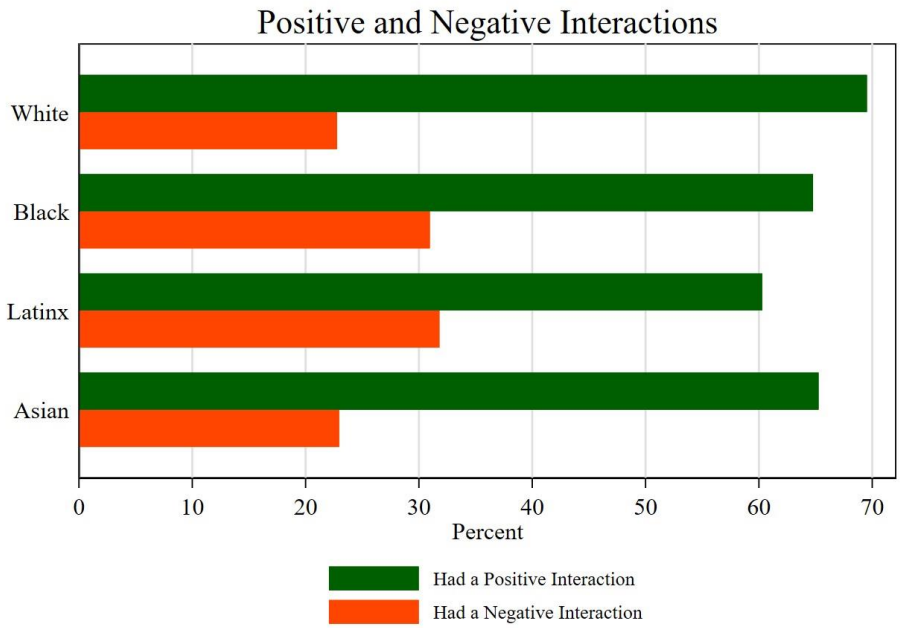
Respondents were asked about the overall satisfaction with the job done by the Brookline Police Department. Responses by racial group are displayed in Figure 1. Overall, 12% of the public is dissatisfied with the police department, compared to 65% who are satisfied. Across most racial groups, the majority of respondents are satisfied. The exception is Latinx identifiers, who hold the most negative views toward the police department. Over 20% of Latinx identifiers are somewhat or very dissatisfied with the police.

FIGURE 1



In Figure 2, respondents report whether they have ever had a positive experience and whether they have ever had a negative experience with the Brookline Police. Latinx and Black identifiers are 8-9 percentage points more likely to have had a negative interaction than Whites or Asians. They are also less likely to report having had a positive experience.

FIGURE 2



Respondents were separately asked if they have family members or friends who have had a negative experience with the Brookline Police. Twenty percent of white identifiers said yes. Similarly, 19% of Asians said yes. A higher rate of Blacks (25%) and Latinx (30%) said yes, that they have family or friends who have had a negative interaction with the Brookline Police.

Respondents were asked if language has been a barrier to communication with a Brookline police officer. Overall, just 1% of respondents said yes. But the rate is higher (5%) for Latinx identifiers.

The survey invited respondents to describe, in their own words, the positive and negative interactions they have had with the Brookline Police. Interested parties can find those individual responses in the public data file that accompanies this report.

Respondents were asked if the Brookline Police make them feel safe or unsafe. Of white respondents, 10% reported feeling somewhat or mostly unsafe. For black respondents, 4% respondents felt unsafe. For Asians, 7% reported feeling unsafe. A greater share of Latinx identifiers – 16% - reported that the Brookline Police make them feel somewhat or mostly unsafe.

Respondents were asked if they would feel comfortable calling the Brookline Police if they needed help. Two thirds of White (65%) and Asian (65%) identifiers reported they would be very

comfortable. Only 48% of African-Americans and 52% of Latinx respondents said they'd be very comfortable.

Respondents were asked for the impression of how effective the Brookline Police are in various roles. Those roles include (1) ensuring public safety, (2) fighting crime, (3) making residents feel safe, (4) holding police officers accountable, and (5) developing relationships with members of the community.

Overall, Brookline residents believe the Police Department is effective at ensuring public safety (91% agree), effective at making residents feel safe (88% agree), and effective at fighting crime (91% agree). Sixty-eight percent believe the Department effectively builds relationships with the community. However, the majority of respondents (58%) do not believe the Brookline Police is effective at holding officers accountable.

Recent Interactions with the Police

The frequency of interaction with the Police Department varies considerably by racial identity, with African-Americans reporting the most interactions. Respondents were asked how many times in the past year they interacted *informally* with the Police Department regarding something other than criminal activity. For white respondents, 46% answered none. For Asian respondents, 53% reported none. For Latinx respondents, 64% reported none. And for Black respondents 28% reported none.

More than a third of African Americans (37%) reported five or more informal interactions with the police in the last year, compared to 12-14% for Asians and Whites, and 4% for Latinx respondents.

Black respondents were slightly more likely than other racial groups to report contacting the Brookline Police in the past year to report criminal or suspicious activity. Among residents of all racial groups, 15% of respondents said they called the Police to report criminal/suspicious behavior. This includes 15% for white respondents, 12% for Asian respondents, 16% for Latinx respondents and 24% for Black respondents.

Respondents were asked whether Brookline police officers have ever physically struck them, handcuffed them, tasered them, pointed a gun at them, restrained them on the back of a car, pushed them to the ground, used tear gas on them, or searched their car/residence without permission. These occurrences are very rare and are concentrated in Black and Latinx identifiers. Whereas 1% of white respondents and 2% of Asian respondents reported these interactions, 5% of Latinx respondents and 6% of Black respondents reported them. The most common of the occurrences, though still rare, are reports of being handcuffed and having one's car or residence searched without permission.

Perceptions of Discrimination

Survey respondents were asked if they ever felt discriminated against by the Brookline Police on account of (1) race, (2) gender, (3) sexuality, (4) economic status, (5) religion, and (6) ability to speak English. Overall, 3% of respondents feel that the Brookline Police have discriminated against them on the basis of race or gender, 1% on the basis of sexuality, 2% on the basis of economic status, and less than one percent on the basis of religion or the ability to speak English.

However, responses vary considerably by racial group, particularly with respect to perceived discrimination on the basis of race, gender, and economic status.

Essentially no White identifiers (0.5%) feel they have been discriminated against by the Brookline Police Department on account of their race. In comparison, 5% of Asians, 12% of Latinx, and 24% of Black respondents report they have felt discriminated against by the Brookline Police on account of their race.

African-American respondents are significantly more likely to feel discriminated against on the basis of gender, with 7% reporting feeling this way. That compares to 3% for White and Latinx respondents, and 1% for Asians.

African-American respondents are far more likely to feel discriminated against on the basis of economic status. While 13% of African-Americans perceive economic discrimination by Brookline Police, only 2% of Whites and Asians and 3% of Latinx respondents report feeling this way.

When asked if they ever feel worried about being the victim of police brutality, 2% of White respondents say somewhat or very often, 6% of Asians report somewhat or very office, 22% of Latinx respondents say somewhat or very often, and 35% of Black respondents report somewhat or very often.

When asked if they believe that the Brookline Police “equitably serve the interest of all people, regardless of race, ethnicity, religion, gender, citizenship status or class,” the respondents are split evenly, with 49% reporting yes and 51% reporting no. Black and Asian respondents are more likely to agree with this statement, with 56% of Blacks and 57% of Asians believing the police serve all equitably, whereas fewer Whites (47%) and Latinx (43%) believe the police serve all equitably.

Perceived Racial Discrimination – in-group and out-group

Respondents were asked if they thought that four racial groups – White, Black, Hispanic, Asian – were treated fairly or unfairly by the Brookline Police Department. One percent of respondents thought Whites were treated unfairly. Fourteen percent of respondents though Asians were treated unfairly. Perceived unfair treatment against Latinx and Black people was much higher.

Thirty-seven percent of respondents thought that Hispanics are treated unfairly by the Brookline Police. Latinx respondents themselves were far *more likely* than any other racial group to report unfair treatment. That is, 48% of Latinx respondents perceived unfair Brookline Police treatment of Hispanics, compared to 37% of Whites, 32% of Blacks, and 33% of Asians perceiving unfair treatment of Hispanics.

The racial group most viewed as being the recipient of unfair treatment by the Brookline Police is African-Americans. In total, 45% of respondents believe the Brookline Police treats Black people unfairly. However, Black respondents themselves are least likely to perceive this, with 34% reporting unfair treatment. In comparison, 46% of whites, 53% of Latinx, and 42% of Asians perceive unfair treatment toward African-Americans by the Brookline Police.

Complaint Process

If they have a complaint about a police officer, would respondents know how to file a complaint? For most respondents (63%), the answer is no. Sixty to seventy percent of Whites, Latinx, and Asians report not knowing how to file a complaint. However, a majority of Black respondents (58%) report knowing how to file a complaint.

Would respondents feel comfortable filing a complaint? Most (59%) say yes. Comfort level ranges from 47% of Asians feeling comfortable, 60% of Whites and 63% of Latinx feeling comfortable to 72% of African-Americans feeling comfortable.

Children and School

Parents and guardians of children under 18 were asked about the relationship between their children and the Brookline Police. They were asked: “Thinking about your oldest child under the age of 18, how comfortable would you say they are with the police?” Of the 231 respondents who answered this question (because they have kids under 18), 77% report their child is comfortable with the police, 4% said their child is uncomfortable, and 18% report neither comfortable nor uncomfortable.

Of parents with children in schools, 14% report that law enforcement officers are stationed in the school, 47% say officers are not stationed at the school, and 39% are not sure. Of those reporting that officers are stationed in their child’s school, 79% report being comfortable with the officer’s presence, 13% report being uncomfortable, and 7% are neither comfortable nor uncomfortable. Of respondents with children, only 2% report the child involved in a disciplinary action involving the police.

Methods of policing

Which methods should be permissible?

What tactics should the Brookline Police be permitted to use in order to ensure public safety? Respondents were asked about several tactics and asked if they approved of their use by the police. These include pepper spray, physical strength (hand control), choke holds, impact weapons (batons), tear gas, tasers, restraint devices (handcuffs and zip ties), K-9 dog bite-and-hold, beanbag munitions (rubber bullets), and firearms.

A clear majority of Brookline residents only supports two of these methods as being permitted by police: physical strength (74% support) and restraints such as handcuffs (87%). Respondents are fairly evenly split on pepper spray (52% support) and tasers (52% support). Forty-three percent support the use of firearms, 37% support the use of impact weapons, 32% support rubber bullets, 29% support K-9, 23% support tear gas, and 5% support choke holds. Support for these various tactics vary by racial groups. African-America respondents show the *highest support* for most of these tactics. Black respondents are less likely (3% vs 9%) as the full sample to believe that the Brookline police should use none of these tactics. Latinx respondents are more likely (16% vs 9%) to believe Brookline police should use none of these tactics.

Methods to reduce deadly force

What tactics would reduce interactions with police that result in deadly force? Respondents were asked to consider nine tactics. Respondents thought several tactics would be quite effective. Having officers attend de-escalation training is something that 91% of the public thought would be effective. Having officers wear body cameras was thought to be effective by 88% of respondents. Eighty-seven percent thought banning chokehold would be effective. And 84% believe diversifying the ranks of the Brookline Police Department would be effective.

A majority of respondents also believe that ending the federal program that sends military surplus equipment to police departments (71%), racial bias training (77%), and educating police officers about the history of police departments (59%) would all be effective at reducing interactions that result in deadly force.

The survey asked about two bigger reforms as well: reducing the police department's funding by at least 10% and abolishing the police department altogether. Respondents largely do not believe these are effective tactics. A third (34%) believe reducing funding would be effective and 15% believe that abolishing the police department would be effective.

In line with perceptions of policing methods, African-American respondents are least likely to support ideas like abolishing the police department (8% believe this would be effective at avoiding deadly force), and Latinx are most likely to support the idea (26% support). White respondents (15%) and Asian respondents (15%) are in the middle.

Circumstances better handled by social workers

In some situations, it is possible for either police or social service workers (e.g. social workers, mental health professionals) to respond to a public need. Respondents were asked to consider seven scenarios and think about whether the scenario is better suited to police response or social service worker response.

In two of the scenarios, one in which an individual is armed and one in which there is a robbery or theft, the public has a clear preference for police. In the case of a robbery, 97% say the police would be the right response. In the case of an armed individual, 92% list the police. Another 7% list police as well as social service workers should respond to the call.

In other scenarios, the public's preference favors social service workers over the police. For instance, in responding to a situation with a person who is intoxicated or has overdosed, 28% think the police should respond, 58% think social service workers should respond, and 14% think both should respond.

In responding to someone experiencing a mental health crisis or is suicidal, 4% think the police should respond, 83% think social service workers should respond and 12% think both should respond. In dealing with a homeless person, 5% think the police should respond, 88% think a social service worker should respond, and 8% think both should respond. In dealing with a dispute among neighbors or a disorderly minor, 23% think police should respond, 64% think a social service worker should respond, and 13% think both should respond. In dealing with a case of domestic violence or abuse, 42% think the police should respond, 26% think social service workers should respond, and 31% think both should respond.

In most of these scenarios, particularly those that are noncriminal, the public overwhelmingly favors social service workers responding rather than police. In most cases (domestic violence, neighbor dispute, homeless, intoxication), African-Americans in the sample have stronger pro-police preferences than other racial groups.

Police Budget

Brookline taxpayers spend $17 million on the police department each year, or 5.6% of the town's budget. Respondents were informed of these statistics and asked if they think the budget should be increased, decreased, or kept the same.

Overall, 11% of respondents thought the budget should be increased, 45% thought the budget should be kept the same, and 45% though the budget should be decreased.

Among white respondents, 44% think the budget should be decreased and 10% think it should be increased. Among Black respondents, 39% think the budget should be decreased and 25% think it should be increased. Among Latinx, 63% think it should be decreased and 6% think it should be increased. Among Asians, 41% think the budget should be decreased and 11% think it should be increased.

Oversight

Some communities have oversight committees in which residents review police actions and evaluate complaints against the department. Respondents were asked if they think Brookline should consider having a civilian oversight board of this kind. Of all respondents, 77% said yes, 7% said no, and 16% said they were not sure.

The survey respondents would like this committee to have some roles but not others. Some 87% would want the committee to be able to investigate allegations of excessive force and abuse. And 76% would like the committee to have the power to investigate police shootings. A clear majority also want the committee to have the power to set policing priorities (66%) and to evaluate the disciplinary process against officers who are in violation of laws or policies (68%).

For other roles, the majority of Brookline residents oppose or have more mixed views. Only 17% would grant such a committee power to hire officers and 38% would grant the commission the power to fire police officers. Just over half (52%) would favor the committee setting police policies, such as the use of force policy. About a quarter (29%) favor the committee empowered to negotiate police contracts.

Additional measures for transparency

Respondents were asked if they support measures that would increase transparency in the Brookline Police Department's operations. Would they support making public "the details of the department's internal process in addressing violations of conduct and crimes committed by officers?" 81% of Brookline residents agree. Would they support a public listing of all complaints against Brookline officers and disciplinary actions taken in response to complaints? 76% of Brookline residents agree. Would they support making a public listing of all weapons carried by each patrol unit? 57% of Brookline residents disagree. Would they support including community members in the process of investigating police misconduct? 76% agree.

Conclusions

This survey, based on the recorded responses of over 1,300 residents of Brookline, identifies a clear set of problems with respect to the Brookline Police department and a clear direction for the future.

To be sure, the Brookline public has generally positive views of the police force. That stated, African American and Latinx residents have had more negative experiences with the Brookline Police and would feel less comfortable than whites and Asians in calling the police if they needed help.

It is very rare for white residents of Brookline to feel discriminated against by the Brookline police, on the basis of race or gender or economic status. But perceptions of discrimination along these lines are common among minority residents, especially African Americans. Compared to white residents, Black residents are twice as likely to feel discriminated against by

the Brookline Police on the basis of gender, eight times more likely to feel discriminated against on the basis of economic conditions, and *forty-eight times* more likely to feel discriminated on the basis of race.

African American and Latinx residents are, respectively, 17 times more likely and 11 times more likely than white residents to worry about being a victim of police brutality.

Respondents across racial groups perceive discrimination on the part of the Brookline Police department against Black and Latinx residents. Half of the respondents do not believe the Brookline police treats all citizens equitably. While almost no respondents believe that the Brookline Police treats white residents unfairly, 14% believe Asians are treated unfairly, 37% believe Hispanics are treated unfairly, and 45% believe African Americans are treated unfairly.

The majority of Brookline residents do not believe the department effectively holds its officers accountable.

The survey has shown widespread support for efforts to limit the use of deadly force by the Brookline police. The survey shows widespread support for the town utilizing social service workers rather than the police in scenarios where the risk of physical conflict is low. A super-majority of Brookline residents (over three-quarters) believe the town should have a civilian oversight board with investigative powers.

Envisioning and Community Engagement Subcommittee Report

I. Introduction

A. Mission

The envisioning and community engagement subcommittee was formed to assess and engage the Brookline community on its perspectives, attitudes, needs, and wants regarding public safety. The charge of this subcommittee is to ensure that the attitudes and perspectives of both white residents and residents from communities of color are thoughtfully included in the recommendations, applying a racial equity lens to analysis of current practices and recommendations for improvement.

B. Members

Bonnie Bastien
Malcolm Cawthorne
Eitan Hersh
Chi Chi Wu
Kristan Singleton, subcommittee chair

II. Acknowledgements

Discussions of policing and public safety rightfully surface strong emotional responses. For some, the discussions can activate memories of recent or distant trauma. For others, the discussions can raise the prospect of loss of protection or security from trusted public institutions and systems. Throughout its tenure, our subcommittee was specifically focused on the principle *that no one wants their safety taken away* and sought insights from the community to help us make recommendations that are consistent with that principle.

As a subcommittee, we would like to take the opportunity to acknowledge the following individuals and groups:

Residents in units of the Brookline Housing Authority for sharing generously of their time in "Go Small" conversations to help us understand some of their perspectives on policing and public safety in Brookline.

Brookline for Racial Justice and Equity (BRJE) and **Brookline Budget Justice (BBJ***)* for assisting the subcommittee in piloting and refining the discussion protocol for our "Go Small" conversations.

Officer David Pilgrim of the *Walk & Talk* Unit and **Lieutenant Jennifer Paster** of the *Community Service Division* of the Brookline Police Department for helping us to understand the department's community service focus and priorities.

Former Chief of Police Dan O'Leary for connecting us with resources and materials within the Brookline Police Department

Alicia Adamson, Director of the Brookline Teen Center for speaking with us about their programs and needs to serve the children of Brookline

Leigh Jackson, Director of Brookline Recreation for speaking with us about their programs and needs to serve the children of Brookline

III. Insights from the Town Survey on Policing

The Task Force for Reimagining Policing conducted the survey and analysis "Public Attitudes about the Police Department in Brookline, Massachusetts " to inform its work in making recommendations to the Town of Brookline and the Select Board. As a brief recap of the design of the policing survey and its methodology, 25,000 Brookline residents were sent a survey via postal mail starting on 11/23/2020. Of the 25,000 residents selected for inclusion in the survey, one third of the people selected to receive the survey were targeted as likely Black, Latinx, or "Other" (meaning non-white or non-Asian). [In the survey, the racial group descriptors used were White, Black, Asian, or Hispanic; in summarizing the findings we will use the descriptors White Black, Asian, or Latinx.] This "oversampling" method was implemented by targeting residents in locations managed by the Brookline Housing Authority and by using a name-matching algorithm to identify people of color.

Based on the final reported results of the survey for four racial groups, of the 1,343 residents responding roughly 3% of the respondents identified as Black, 86% identified as White, 4% identified as Latinx, and 8% identified as Asian. These results are generally consistent with the Town demographics for the percentage of residents who identify as Black and are under-representative of the percentage of residents who identify as Asian. The final demographics of the survey respondents were disappointing in its ability to obtain representative perspectives on policing from Asian residents and as a subcommittee we were disappointed that the specific oversampling methods deployed were not successful in helping the Town solicit the perspectives of higher numbers of Black and Latinx residents.

Overall, most respondents in the survey reported feeling very or somewhat satisfied with Brookline police. The exception to this pattern were Latinx respondents: over 20% of Latinx identifiers are somewhat or very dissatisfied with the police (see Figure 1).

While all racial groups reported having had positive interactions with the police, Black and Latinx respondents were most likely to have experienced negative interactions with the Brookline police and were up to 30% more likely to have had a negative interaction with police (see Figure 2).

Black and Latinx respondents were far more likely to answer that they feel worried about being the victim of police brutality compared to White and Asian respondents (Black:35%, Latinx:22%; Asian: 6%; White: 2%). And while two-thirds (65% of) White and Asian respondents would feel very comfortable calling the Brookline Police if they needed help, less than half (48%) of Black respondents and about half (52%) of Latinx respondents would feel very comfortable doing the same.

Among people who hold an opinion on the various roles that police play in the community, 91% of survey respondents reported that they felt the Brookline police were effective at ensuring public safety. However only 68% of respondents felt that Brookline police were effective at building relationships in the community. And only 42% reported feeling that police officers could be held accountable for community complaints and concerns.

When asked about recent informal interactions (within the past 12 months) with Brookline police about things other than criminal activity, survey data indicates that Black residents are more likely to have interactions with police officers (37%) compared to other racial groups (White:13%; Asian: 13%; Latinx: 4%).

The survey questions about perception of discrimation can help us understand the climate in which the Brookline police are operating in efforts to perform effective community engagement. These questions on the survey were not intended to gauge residents' perceptions of discrimination among police in general; they sought residents perceptions on discrimination specifically about the Brookline police. Survey results indicate that perceptions of discrimination are highest among Black respondents (27%) and, predictably, lowest among White respondents (0.5%).

Respondents were asked if they thought that four racial groups – White, Black, Hispanic, Asian – were treated fairly or unfairly by the Brookline Police Department. One percent of respondents thought Whites were treated unfairly. Fourteen percent of respondents thought Asians were treated unfairly. Perceived unfair treatment against Latinx and Black people was much higher. Thirty-seven percent of respondents thought that Hispanics are treated unfairly by the Brookline Police. Latinx respondents themselves were far more likely than any other racial group to report unfair treatment. That is, 48% of Latinx respondents perceived unfair Brookline Police treatment of Hispanics, compared to 37% of Whites, 32% of Blacks, and 33% of Asians perceiving unfair treatment of Hispanics. The racial group most viewed as being the recipient of unfair treatment by the Brookline Police is African-Americans. In total, 45% of respondents believe the Brookline Police treats Black people unfairly.

Roughly one-third or higher of the respondents across racial groups reported knowing how to file complaints if they had a negative experience with Brookline police, with Black reporting the highest levels of familiarity with the complaint process at 58% (White: 38%; Latinx: 37%; Asian: 30%).

Black respondents also report feeling comfortable filing complaints at the highest rates, with 72% indicating that they would feel comfortable filing a complaint following a negative experience with a police officer (Latinx: 63%; White: 60%; Asian: 47%).

Survey responses point to some important work to be done relating to public trust and transparency:

- 82% of respondents are in support of the police department being required to provide more detail on processes related to addressing violations of conduct and crimes committed by officers
- 72% support improvements in making information about complaints against police officers more public as well as any disciplinary actions in response to those complaints
- 77% support including community members in processes of investigation of police misconduct

The survey also asked what methods Brookline Police be permitted to use in order to ensure public safety. Only two methods had widespread support: physical strength (74% support) and restraints such as handcuffs (87%). Respondents are fairly evenly split on pepper spray (52% support) and tasers (52% support, while only a minority (43%) support the use of firearms, 37% support the use of impact weapons, 32% support rubber bullets, 29% support K-9, 23% support tear gas, and only a mere 5% support choke holds.

IV. Community Engagement Themes Across the Task Force

Ultimately, the work of all of the subcommittees surfaces issues related to community engagement for the Town. The following is a summary of issues and concerns that were raised across the breadth of the work of the Task Force. While the recommendations of this subcommittee do not address all of the issues, we believe it is important for them to be surfaced so the Town can work comprehensively on its subsequent community engagement strategies.

Departmental Analysis

The Departmental Analysis subcommittee focused on how to structurally ensure there is ongoing community engagement between the police and the civilian population. The subcommittee asked the questions: How do we ensure that there is a constant effort to raise, analyze and rethink problematic issues and potential reforms? What structures are in place for constant re-evaluation and stakeholder input? Ultimately the Department Analysis subcommittee made recommendations for both informal citizen input, such as a minimum of six public meetings annually, and a formal civilian oversight committee.

School Resource Officers

In partnership between BPD, PSB and the SRO, we are asking for the removal of all SROs in PSB school buildings. If the Select Board and School Committee are determined to have SROs in PSB school buildings, a full audit and accounting of the places where it is currently using SROs or anticipates that it might use SROs in its curriculum. This would identify what other educator and community resources were considered to support the educational, social, and emotional needs of students and why the services of the town police department are a better choice to meet those student needs. This would also require a convening with both student and parent support and advocacy groups; the Brookline Asian American Family Network (BAAFN), METCO, and Steps to Success to name a few. These discussions will seek caretaker, guardian and parental feedback for the anticipated design of its school-police partnerships. Furthermore, this community engagement should include community organizations like Brookline for Racial Justice and Equity (BRJE), Unitarian Universalist First Parish in Brookline and the Commission for Diversity, Inclusion and Community Relations when vetting the design and anticipated benefits of community partnerships based in schools. Finally, there needs to be a public or transparent evaluation of the program. This should include measures of inclusion in the respected schools faculty and staff, data collection in terms of police contact outside of class with students and families, and the BPD role in building and establishing equity in the nine schools of Brookline.

Walk & Talk

It was difficult to find BHA residents who were willing to discuss the Walk & Talk (W&T) program with the subcommittee. This is in part because it took time for the subcommittee to find the right approach, but also because there is fear that sharing concerns or issues about the W&T program or the BPD in general could lead to consequences from the Brookline Housing Authority or the Police Department. We were able to interview BHA and former BHA residents after switching to a more 1:1 conversation strategy. While there was praise for the program in one of those conversations, what is being heard from the Black and brown BHA residents that were willing to be interviewed is that the violent history of policing in general, which Brookline is a part of, has created an indelible anxiety and fear in many members of black, brown, and poor communities. As evidenced by the Task Force survey, it is perceived by 58% of residents across all communities in Brookline, not only in BHA, that the Brookline Police Department, like all other police departments, is not able to hold themselves accountable when wrongdoing occurs. The Brookline Police Department carries this history in the work they do despite their best efforts.

Vulnerable Populations & People in Crisis

The Vulnerable People and People in Crisis (VPPC) subcommittee has not had the opportunity to hear from residents with lived experience of crisis support interventions in Brookline. In an interview with the VPPC subcommittee, senior staff members of the Brookline Center for Community Mental Health (BCCMH) expressed the need for increased community-based services and support to help reduce or prevent crisis interventions before they occur. BCCMH staff stated that while the Brookline Police Department is “better trained than many,” such community-based services are best provided by social service workers and not by the police. The BCCMH staff expressed strong support of the Town creating such new non-police community-based services and stated that they look forward to collaborating with the Town as these new programs and services are developed.

V. Our Understandings of BPD Community Engagement

Based on discussions during the larger Task Force meetings, discussion with the Community Policing team, and a review of public materials on the BPD website, our perspective is that BPD’s community engagement work falls into four areas:

- Officer Commendations
- Citizen Complaint Process
- Presence in the Brookline community
- Social Media Interactions

Officer commendations provide opportunities for town residents and visitors to share their satisfaction with the BPD and the services provided by BPD officers. Commendations can be submitted online, via mail, or email.

The citizen complaint process is structured in accordance with the June 7, 2017 revised complaint review and disciplinary procedure and the October 2019 recommendations for

changes to the police complaint policy. The complaint process provides an opportunity to specify the timing and details related to incidents where a person feels that "a police officer or officers acted wrongly" (per the complaint process overview). The complaint process involves an online, in-person, or mail-based submission of a complaint to the BPD, a police command officer interview to discuss the details of the complaint, and if the matter was not resolved during the interview stage, a subsequent investigation.

BPD prioritizes and maintains an active presence in Brookline. Annual reviews provided on the BPD website show that BPD's community activities range from community training sessions intended to "demystify policing", to seasonal activities in the community, academic initiatives, and athletic leagues. (See the "Annual Reports" section of the website for access to the year in review documents that provide more detail on BPD presence in the Brookline community).

BPD maintains an active presence on social media via Facebook (@brooklinemapd), Instagram (@brooklinemapd),Twitter (@BrooklineMAPD) and YouTube accounts.

VI. Recommendations

Our work and our findings as a subcommittee coalesce around five primary themes that serve as our recommendation to the Town:

1. Implementing A Child-centric Visions of Public Safety
2. Public Safety Website - Needs for Continuing the Work
3. Community Engagement Not Community Policing
4. Eliminating Unintended One-Way Relationships
5. Going Small - Trust-Building Community Conversations

Youth-Centered Visions of Public Safety

"It's easier to build strong children than repair broken men" ***- Frederick Douglass (1855)***

When thinking about public safety, children should be centered in our thinking. What this means is that the Town should center its thinking around keeping children active, supervised, enriched and thriving. This should begin with the things Brookline already has in place. This thinking should include the Brookline Police Department (BPD) but should not be limited to BPD or expected to be provided or furnished by BPD. This should also be planned in relation to school hours in the idea of enhancing or enriching school experiences for Brookline's children.

The Brookline Recreation Department serves many children in our community. In speaking with the Director, Leigh Jackson, she mentioned many things that would help the Town better serve its children. The first idea was to provide more funding for transportation. In particular, the opportunity to bring Brookline Rec to different neighborhoods and communities within the Town. Brookline does a great job with children once they get to Brookline Rec spaces but COVID has exacerbated a problem that had been present before March 2020: there are children who can't get to the Brookline Rec sites. Her plan is to create opportunities for Brookline Rec to be mobile to meet the needs of the Town's children.

This would mean an increase in their transportation budget. We also think there should be monies budgeted to help transport Brookline's children to get to Brookline Rec sites for free, supervised activities; skating or sledding at Larz Anderson in the winter, swimming at the Brookline Pool (Evelyn Kirrane Aquatic Center - or old school folks called it "The Tank"), or using all of the indoor and outdoor resources at Tappan/Cypress, Soule and Eliot/Warren.

We also need to think about ways to be responsible for our children until they are at least 18. The Brookline Teen Center is for any teen who goes to school or lives in Brookline but is serving mostly children of color. This is an important space for these children of color, but we wonder where the White teens are. One might conclude that White teens have things that keep them fulfilled or White teens may need this space and don't feel the space is for them; it's abnormal for White teens in Brookline to feel like a space does not belong to them. Alicia Adamson, Director of the Brookline Teen Center (BTC), expressed a need to broaden services and activities to broaden who attends the BTC. She has the staff to provide programming and activities, however she needs at least three more staff members to provide social and emotional support for the teens that frequent the BTC. This need would be fulfilled by adding therapists and social workers to do both one-on-one and group services for the teens full time. This could be partially provided by the BTC but the Town should partner to help meet the needs of the children who attend the BTC. We do have shared expenses models that have worked successfully in Brookline. The Brookline Resilient Youth Team (BRYT) works with students at BHS that have had long or chronic illnesses where a significant amount of school time is missed. This program has a shared cost between the Brookline Mental Health Center and Brookline Public Schools (PSB) and is seen as a national example for student support. The Steps To Success program works with students and families that live in Brookline Public Housing. This program fundraises for itself and has a partnership between Brookline Housing Authority and PSB to provide comprehensive support for their students. These examples are ways where the Town has worked with an external agency or two different Town Departments to help meet the needs of Brookline's youth. This too can be done with the Town and BTC. It is short sighted to only use PSB monies to bring the services needed by Brookline's children.

Lastly, the Town should make sure they are investing and working with youth programs in Town that show an investment in Brookline's children. This could come in the way of some cost benefits to being in Brookline if those organizations granted scholarships for children to participate in their programming. This could be a one time event or a program that takes time. For example, a Dance Studio could offer full scholarships for "x" number of children for six weeks of lessons in exchange for "x" number of employees to have a pass that exempts them from parking meter fees during the Dance Studio's hours of operation.

These things would need to be encouraged, published and shared widely with the purpose of providing Brookline's children with as many opportunities for healthy and lively activities to build up our children while moving them toward adulthood.

Developing and Sustaining the Public Safety Website

"Public safety" is a construct that exists in the Town's budgeting and expenditure analysis processes (defined as police, fire, and building), but few other places. For example, the page on the Town website devoted to public safety contains no narrative and only two hyperlinks; one to the Brookline Police and one to the Brookline Fire Department. There is no presentation of a comprehensive vision for public safety. There is no summary of the resources that the Town seeks to deploy to maintain and improve public safety. Furthermore, there is no framing for how the Town works to ensure that public safety is ensured equitably and that resources are being used in equitable ways. Were a town resident to have questions, concerns, or even ideas regarding improving public safety, it is unclear whom they should contact and what they should do.

In contrast, in a matter of weeks and with volunteer resources, the Community Engagement and Walk & Talk subcommittees ended up creating a website in order to communicate who we are and our objectives. This was done in order to improve communications with Town residents in support of interviews about the Walk & Talk program.

The job that the Task Force has begun is far from over. The community engagement and relation-ship building is only just beginning. The next iteration of this task force will require a website that compiles all of the work done over these past months as well as a clear mission. It will be an accessible tool to provide information and advocacy around community-driven public safety and centralize the community's visioning work.

Community Engagement Not Community Policing

Community policing is a law enforcement approach whose objectives are to reduce fear and concern about crime and improve satisfaction with police service by having police officers staying in close contact in the neighborhoods they serve (see "Community Policing" defined at the National Police Foundation). Implementing community policing strategies typically involves building community partnerships, engaging in proactive problem-solving, and implementing community policing organizational structures (see "What Is Community Policing" at the International Association of Chiefs of Police). BPD demonstrates a number of the attributes of community policing through its Walk & Talk program, its ongoing work in diversifying its police force, its establishment of a Community Services Division, and the number of partnerships that it implements in the Brookline community (e.g., Community Emergency Response Team, self-defense training, Youth Basketball League). These structures and efforts have won over many Brookline residents who voiced their satisfaction with the BPD in our September 2020 public hearing.

There are a number of concerns that accompany implementing community policing strategies, including the perception that racist ideas and bias inform choices in the placement of officers, increased feelings of surveillance by community members brought into closer and more regular contact with police officers, and a general transformation of social problems and social issues

into police issues. Community interviews begun by this subcommittee corroborate a number of these concerns (and suggest the need for wider interviewing), but an in-depth evaluation of BPD's community policing efforts was not the work of this subcommittee. Our charge is to help the Town expand its vision of public safety and to propose alternatives that could decenter policing from certain functions.

Our recommendation is to develop a community-driven model for safety and justice that centers the voices of the communities closest to the public safety issues to identify priorities and generate solutions. This work should "start with the opportunities and challenges present in each neighborhood and build out from there, engaging with traditional justice system institutions and players only if and when it is necessary to do so, and challenging them when they get in the way." The essential stakeholders are the ones with extensive first-hand knowledge needed to understand the most pressing problems in Brookline. They have been largely excluded from the conversations (in Brookline and nationally) around implementing public safety while bearing the brunt of violence, over-policing, surveillance, and incarceration.

To begin this process, Brookline needs to commit to long-term relationships and trust-building through substantial community organizing that is adequately resourced through grants and funding programs from the Town . We recommend this work be placed in the hands of community organizers that are members of these underrepresented communities as well as organizers who work outside of the existing power structures in the Town and the police department. They will be charged with developing a structure to solicit input, guide decision making, and surface priorities and action steps. This work will need participation from people with an array of community interests as well as the support of a broad coalition of local advocacy groups.

The last and, perhaps, the most critical piece in this strategy is a commitment from the Town government to being responsive to the community's priorities, as surfaced through the work of organizers, through spending and policy change. This is the critical step that has tripped up these efforts throughout history nationally to change the way public safety is administered in this country. If this commitment isn't there from the beginning and the community can't trust that anything substantial would come from this labor, there is no reason for the community to participate. If the plan developed is dismissed or only the superficial aspects are implemented, then nothing changes. This plan requires bold leadership to commit to the visions put forth by the community. Without a commitment to deep institutional change from the top tiers of local government, progress is not possible.

* Community-Driven Models for Safety and Justice - this piece is the origin of the above strategy.

Eliminating Unintended One-Way Relationships

As a subcommittee, we are not characterizing BPD's community engagement work as attempts to create one-way relationships in the Brookline community.

Instead, we are asking BPD to consider that a number of the relationships that it enters into *either are or run the risk of being perceived as one-way* based on the way that the relationships are structured or based on the limited information that is readily available about the nature of the relationship. The perceptions of relationships as one-way relationships can lead to them being perceived as marketing and messaging opportunities that only serve BPD's community engagement agenda.

For example, the BPD's use of photos and videos of their interactions with communities of color on the BPD website without members of those communities knowing how that material would be used is exploitative. Using those materials in this way might support the BPD's community presence or social media objectives but doing so doesn't return anything of comparable value to those community members.

As a second example, the BPD's AWARE educational initiative is described on the BPD website as "a collaborative effort by law enforcement officers, educators, students, parents, and the community." Anecdotal evidence suggests that few parents, educators or students have an accurate understanding of the BPD goal of community building the AWARE program is supposed to represent. There are no additional AWARE materials available on the BPD website such as the officer visit schedule, the participating officers, or the curriculum. While there is contact information available, the burden is placed on the community to learn the details of the program rather than BPD providing the information proactively. As a result calling this process a collaborative effort with parents is inaccurate.

In a third example, also about the AWARE program in the elementary schools typically provides three opportunities for BPD officers to be present in classrooms across the district. While the goal of the AWARE program is ostensibly relationship-building, there is no clear evidence that this type of relationship building was sought by and is considered valuable to parents and families. Further, parents whose children enter the Brookline elementary schools in grades 6-8 would likely find out about AWARE only through a letter announcing its implementation. We regard this as another instance of the BPD ensuring that its own community presence objectives can be met and checked off without ensuring that something of comparable value is returned to the community.

Going Small - Trust-Building Community Conversations

Our recommendation that the town move forward with small group trust-building conversations was framed by several acute challenges in our subcommittee's work. As a subcommittee, we struggled with the challenges of attempting to do community engagement work with the Brookline community during a global pandemic, when large or small group gatherings were deemed unsafe. We struggled with the magnitude of a charge as vast as crafting an alternate vision of community public safety in just a few months' time. We struggled with the challenges the pandemic forced on a number of us in our having to work, parent, and educate our children all in the same physical space. And we struggled with the reality that despite our sincere intent

to get input from communities of color in Brookline, a climate of fear of retribution and "who is really listening anyway?" persists.

The recommendation to "go small" with trust-building conversations also stemmed from a recurring pattern observed across the work of a number of subcommittees and also the larger Task Force when hearings or discussions were held with content experts or community members whose opinions subcommittees needed as input. On a number of occasions, those supporting the institutions and practices of policing and public safety *as they currently exist* (in one case solicited by an explicit request by BPD officers) sought to use the dialogues for particularly demonstrative displays of support for the BPD. Public dialogue processes don't preclude supporters of a current policy or governance approach from rallying to their cause; however, continuing to rely on public hearings as the primary approach for soliciting input appears to be the strategy least likely to build the trust needed to overcome perceptions of the Town as harboring bias (see, for example "Does Brookline Have A Problem with Black People", Boston Magazine, October 2016; "Progressive Brookline Can't Walk Away from an Ugly Racist Battle. Or Won't, Boston Globe, October 2019).

As a subcommittee, we began the "go small" conversations relatively late into our work. However, our hope was that we would be able to provide insight into the types of information that the Town has the potential to obtain by continuing these conversations. Some emerging themes from the conversation are:

- Community members would like to see the Town break out of the traditional "cops and robbers" framing as it relates to thinking about public safety for Town residents and visitors to the Town
- Despite the existence of a complaints process that can be used, the climate of fear and intimidation continues to serve as a significant barrier to people providing input on choices the town makes in providing for the public's safety
- The Town doesn't regard options such as reducing or eliminating food security as among the choices it can make for improving public safety
- The Town is leaving a lot on the table because there is no perceived authentic effort to solicit the perspectives of Brookline students in how the Town makes choices about public safety
- People who are "paying attention to what is happening" feel unclear on what the opportunities exist to provide input on the town's choices for public safety
- It is not evident that the town has a clearly articulated planning process for public safety
- There is not enough direct connection between people who directly experience the outcomes of the town's choices for public safety (e.g., from receiving tickets to the presence of police in their community) and ways to participate in the oversight of policing and public safety.

There are a number of existing structures that the Town can use to continue these conversations, including its Commission for Diversity, Inclusion & Community Relations (CDICR, which has a group focused on patterns of discrimiation), a newly-hired community

engagement organizer, its ongoing work with the Government Alliance on Race and Equity (GARE) and access to diversity and inclusion consultants. Based on the conversations held thus far, there is clear need to address the climate of fear and intimidation that exists in the Town. No authentic or legitimate public policy can be crafted if done so when fear is present. Any work to reimagine policing will require that the Town more thoroughly understand the causes of the climate of fear and work to eliminate them.

Departmental Analysis
Subcommittee Report

I. Preliminary Matters

A. Mission

(Approved by the full Task Force per meeting minutes dated September 25, 2020)
This subcommittee will engage in a high-level review of the structure and functions of the Police Department. It will examine whether the current structure is optimal and whether all of the departmental functions are served well using law enforcement officers, including the impact on BIPOC populations. The subcommittee will also examine whether a different structure would improve public safety, and whether there are functions that can be better served with a different set of responders. It will also consider whether such restructuring better serves BIPOC populations and racial equity.

B. Members

Eitan Hersh, Subcommittee Chair
Raul Fernandez, Task Force Chair
Mike Sandman
Chi Chi Wu

C. Initial Questions

In the first meetings, Subcommittee members discussed making recommendations on both process and substance

<u>1. Process Questions</u>
How do we ensure that there is a constant effort to raise, analyze and rethink problematic issues and potential reforms? What structures are in place for constant re-evaluation and stakeholder input. For example, the Brookline Public School system receives a great deal of parental input from various bodies (Parent Councils, PTOs). The school system is also governed by the elected School Committee.

As for governance, the civilian oversight body for the Police Department is supposed to be the Select Board, but it has limited time and bandwidth to engage in detailed and comprehensive oversight given that the Board must deal with so many issues Townwide. Should there be a Committee delegated by the Select Board to oversee the Police Department, such as reviewing policies and procedures and resolving civilian complaints against the police officers,

<u>2. Substantive Issue Questions</u>
What functions of the police department do we want to analyze for possible restructuring?

These are aside from the functions that are already the focus of other Subcommittees, such as the Walk & Talk unit, the School Resource Officer, and dealing with Vulnerable Populations. Some potential functions include traffic enforcement, liquor and lodging functions, and responding to noise complaints. We ultimately ended up focusing on traffic enforcement.

D. Research Process

1. General

Both Mike Sandman and Chi Chi Wu created spreadsheets analyzing other municipalities. These sheets are discussed in Appendix B and posted here and here.

2. Process Issues

Eitan Hersh interviewed former Chief Daniel O'Leary on current methods of innovation. The entire Subcommittee interviewed Interim Chief Morgan for his feedback on the concept of a civilian oversight committee that would be tasked by the Select Board with the function of handling citizen complaints and reviewing the Police Department's policies and procedures.

3. Traffic Enforcement

a. Chi Chi Wu conducted internet research on re-imagining traffic enforcement from other communities, discussed in Section II.B.3 below.
b. Raul Fernandez conducted interviews with:
-Jivan Sobrinho-Wheeler of Cambridge, MA
-Rigel Robinson of Berkeley, CA
Raul also researched the policies and proposals in those two communities
[Notes in Appendix A]
c. Chi Chi Wu interviews Rahsaan Hall, ACLU of Massachusetts
[Notes in Appendix A]
d. Chi Chi Wu viewed a Cambridge City Council Public Safety Hearing on Reimagining Traffic Enforcement
[Notes in Appendix A]
e. Former Chief O'Leary gave a presentation on traffic enforcement to the full Task Force
Summary in Task Force minutes of December 4, 2020 [link to minutes when available]
Data tables provided by Chief O'Leary are in Appendix D.
f. Transportation Administrator Todd Kirrane gave a presentation on traffic patterns in Brookline to the full Task Force on December 11, 2020, discussed in Section II.B.2 below.

II. Specific Issues and Recommendations

A. Process Recommendations

1. Blueprint for Ongoing Police Innovation

How does the Brookline Police Department innovate? Where does the department learn about new ideas for how to reimagine its work? In theory, there are three primary ways for the department to learn new practices: 1.) **Internally,** from the experience of officers in the field; 2.) **Externally,** from learning new methods from departments in other municipalities or countries or from outside experts in law enforcement; 3.) **From citizens**, through a formal or informal process by which Brookline residents can share feedback, criticism, and new ideas.

Currently, the department focuses primarily on the **external** method of learning, secondarily on the **internal** method, and hardly at all on the method of learning **from citizens.**

External. In an interview with former chief Daniel O'Leary, our subcommittee learned that members of the department regularly attend conferences and seminars where they have the opportunity to learn about new ideas. For instance, many officers in leadership roles in the department attend programs sponsored by the Police Executive Research Forum (PERF). Through a visit to Scotland with PERF, the department learned new de-escalation strategies. PERF also was instrumental in the department's updated Use of Force policy. Leaders in the department have also attended conferences put on by the International Association of Chiefs of Police and the Federal Bureau of Investigation. Specialists in the department attend seminars for specific training in areas such as mental health, school safety, and firearm safety.

Internal. The department's leadership also adopts new policies through ideas that emerge from rank-and-file officers. This process is partly formal and partly informal. Formally, the department has several sub-committees that provide feedback. Chief O'Leary offered an example of a subcommittee suggesting how officers are compensated for participating in a field training program. Informally, there are sometimes policies that seem both problematic and fixable to rank-and-file officers. For instance, according to Chief O'Leary, patrol officers thought the department was towing too many cars unnecessarily. Through feedback to the department's leadership, the department changed its policy around the circumstances that merit towing a car.

Citizens. As for citizen input, the department has provided occasional opportunities for staff to meet with citizens and learn from them. Examples include a public meeting with a Q&A hosted at Brookline Town Hall, occasional opportunities to talk with officers at a coffee shop, and a police presence at public events such as community fairs.

2. Reimagining Innovation and Oversight

The Task Force recommends reorienting the method by which the Town oversees the Police Department and provides input about current practices and new innovation. Citizen oversight must play a central role. Citizen input and oversight should occur both informally and formally.

The need for citizen oversight and input was highlighted by two incidents that occurred during the work of the Task Force: (1) an inappropriate and misleading lobbying message sent by one of the Walk & Talk officers to Brookline Housing Authority residents prior to an interview that the Walk & Talk subcommittee had scheduled with them; and (2) personal attacks by the Police Union against Task Force Chair Raul Fernandez and anonymous hate messages sent to him. The survey conducted by Tufts University and analyzed in the report "Public Attitudes about the Police Department in Brookline, Massachusetts" found that 77% of respondents supported having a civilian oversight board in Brookline.

Informal Citizen Input . The Brookline Police Department should participate in a minimum of six public meetings annually in which citizens can ask questions and offer suggestions. The six meetings should each focus on a different community or issue area in the community, such as: residents of public housing, racial/ethnic minorities, religious communities, mental health challenges, students, and others. However, all residents are welcome to attend and make statements at all meetings. The meetings must be advertised, publicly recorded, and attended by the Chief of Police. The meetings must be hosted and moderated by the permanent committee of police oversight (see below).

Formal Citizen Oversight. The Brookline Select Board should appoint a permanent committee of police oversight, consisting of five residents of Brookline.[1] The committee should include members drawn from communities that have historically been subjected to discrimination by police departments in the United States. The committee members should serve three-year renewable terms that are staggered. Committee meetings should also have the participation of Town Counsel and Human Resources as non-voting members. Some Task Force members and members of the public provided additional suggestions on the structure of the oversight committee, which should be considered in the further development of this proposal.

The committee would have the following duties:

a). Oversight function. The committee would be delegated the authority by the Select Board to engage in the following functions:

[1] The Chicago Civilian Office of Police Accountability was suggested as a model.

(i) investigate and be empowered to resolve any civilian complaints;[2]

(ii) approval of mutual aid agreements and Memoranda of Understanding;

(iii) approve certain equipment procurement, including military-type, crowd control, and surveillance equipment;

(iv) review and approval of Department anti-bias training.

(v) review and make recommendations regarding the Police Department's budget request; and

(vi) review and ratify major policy decisions of the Police Department. Note that the Police Department has a 700 page Policies & Procedures manual which is subject to review and approval by the Select Board; this review and approval could be delegated to an Oversight Committee.

b). Advocate to the Select Board. The committee will provide regular input and recommendations to the Select Board on police conduct and police reform.

c). Advocate to Town Meeting. The committee will provide annual reports to Town Meeting regarding citizen experiences with Brookline police and recommendations for changes.

d). Public advocacy. The committee should seek out other opportunities and methods to serve as public advocates for citizens in the domain of public safety.

e). Learning. The committee should engage in learning:

i.) Alongside the department. At their discretion and at the town's expense, the committee members should attend conferences that the police officers are attending (if civilians are permitted to attend) plus attend other conferences, at their discretion, at which outside experts are evaluating and sharing new methods of public safety.

ii.) From patrol officers. The committee should conduct regular interviews with rank-and-file officers about the officers' experiences and suggestions for how to improve service.

iii.) From citizens. The committee should host public forums where citizens can offer feedback to police (see above). The committee will

[2] This may require a change in the Union contract or implicate civil service issues because it is currently the duty of the Police Department's Office of Professional Responsibility

take minutes at these events and follow up with the police department and select board when necessary.

In sum, citizen oversight should be a central component of accountability for the Brookline Police Department. The Police Department should continuously learn and innovate to improve public safety in Brookline.

Changes to Internal Processes

The Brookline Police Department should conduct more data collection internally and communicate this data to the public. There should specifically be more data collection and transparency about evaluations and promotions in relation to performance and training.

Other Policy Recommendations

The Brookline Police Department mission statement should explicitly include an affirmation of equal treatment of all human beings, regardless of race or ethnicity. Not only should this be front and center on public facing information, but the hyperlink to file a complaint should accompany it.

B. Substantive Recommendation: Reimagining Traffic Enforcement

One proposal for reimagining public safety has been to move the function of traffic enforcement from police officers to unarmed civilians. This idea has significant merit; however, we do not know the possible negative/unintended consequences of this policy change. Furthermore, it would likely require a change in Massachusetts state law in order to implement it.

1. Introduction

Traffic stops are often not criminal in nature, yet they have the potential to become pretexts for racial bias, e.g., stopping a “suspicious” Black motorist on the basis of a nonfunctional tail light. Some of the most notorious and well-publicized examples of police misconduct toward Black Americans originated from traffic stops that quickly escalated, resulting in injury, death, and/or unwarranted incarceration.

Traffic enforcement is one of the most frequent, if not *the* most frequent point of contact between police and citizenry. As this article in the Atlantic noted:

> Every year, 50 million Americans come into contact with the police at least once, according to a 2015 report from the Bureau of Justice Statistics. About half of them are pulled over in a car that they're driving (19 million), or in which they are a passenger (6 million). Another 8 million are involved in a car accident.

Derek Thompson, Unbundle the Police, The Atlantic, June 11, 2020

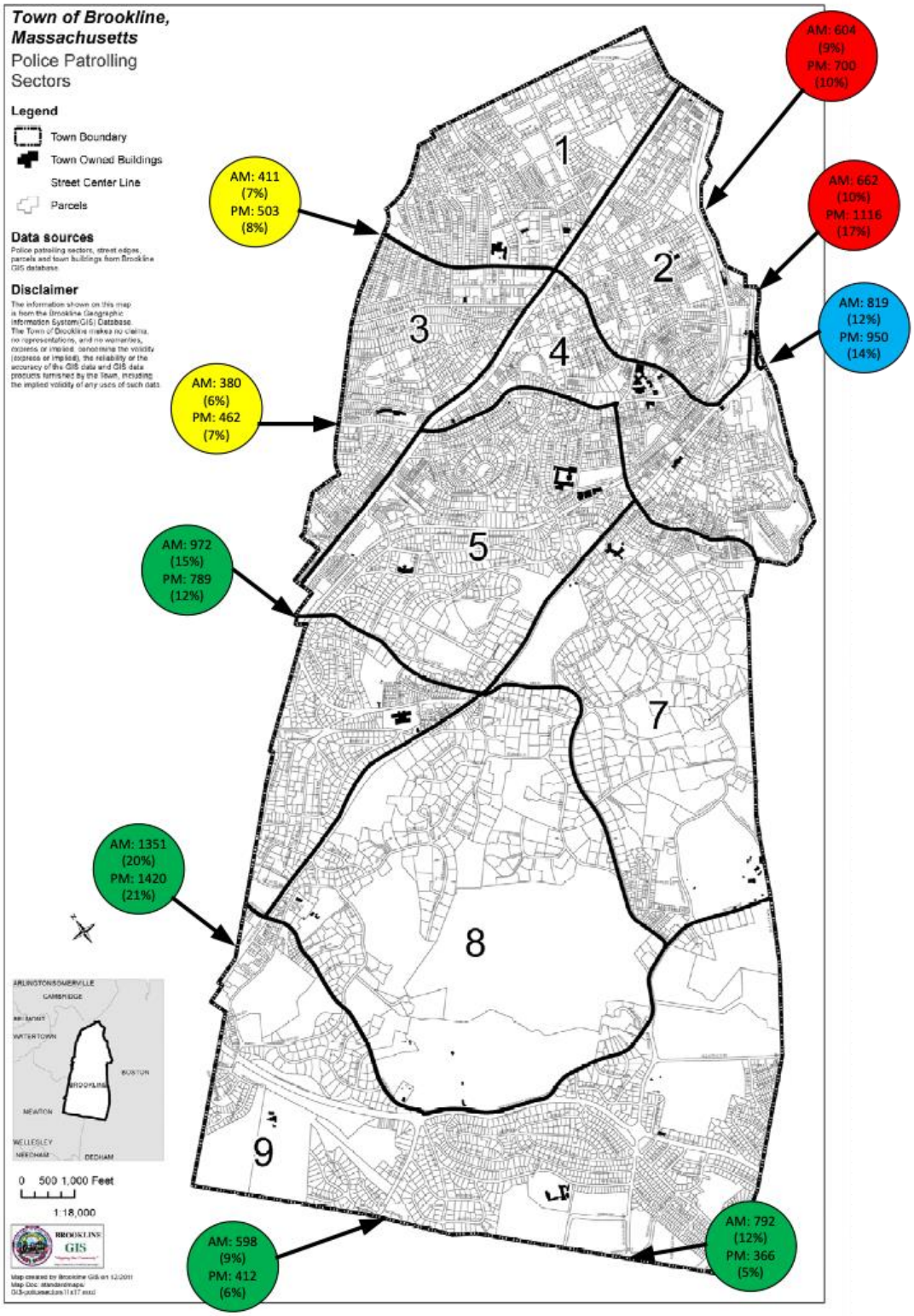
2. Analysis of Brookline Traffic Patterns and Traffic Enforcement

One concern is whether police officers disproportionately stop Black and Latinx motorists, so we undertook an analysis to determine whether that was true in Brookline. We compared the racial composition of motorists issued traffic citations by the Brookline Police Department according to its 2019 Year End Report and 2018 Year End Report with Brookline's overall population by race according to the U.S. Census Bureau.

	White	**Black**	**Latinx**	**Asian**
2019 traffic citations	58.1%	16.8%	11.2%	8.4%
2018 traffic citations	59%	18%	9%	8%
Brookline population	74.1%	3.2%	7.8%	15.9%

One possible explanation for disparity in the racial composition of motorists issued citations versus the demographics of the town is that large numbers of motorists on Brookline streets are not residents [86% of motorists stopped are not residents according to statistics provided by Chief O'Leary]. For example, Boylston Street (Route 9) normally carries about 40,000 vehicles a day during the work week, far in excess of the number of vehicles registered in the town. Thus, some analysis was devoted to calculating the "denominator" to calculate the population affected by these stops.

We asked the Transportation Division for pre-pandemic data on from where vehicles entering Brookline originate. On December 11, 2020, Brookline Transportation Administrator Todd Kirrane presented an analysis of traffic patterns based upon the following map.


Town of Brookline, Massachusetts
Police Patrolling Sectors
Legend
Town Boundary
Town Owned Buildings
Street Center Line
Parcels
Data sources
Police patrolling sectors, street edges, parcels and town buildings from Brookline GIS database
Disclaimer
The information shown on this map is from the Brookline Geographic Information System(GIS) Database. The Town of Brookline makes no claims, no representations, and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and GIS data products furnished by the Town, including the implied validity of any uses of such data
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AM: 604 (9%) PM: 700 (10%)
AM: 411 (7%) PM: 503 (8%)
AM: 662 (10%) PM: 1116 (17%)
AM: 819 (12%) PM: 950 (14%)
AM: 380 (6%) PM: 462 (7%)
AM: 972 (15%) PM: 789 (12%)
AM: 1351 (20%) PM: 1420 (21%)
AM: 598 (9%) PM: 412 (6%)
AM: 792 (12%) PM: 366 (5%)
ARLINGTON
SOMERVILLE
CAMBRIDGE
WATERTOWN
BOSTON
BROOKLINE
NEWTON
WELLESLEY
NEEDHAM
DEDHAM
0 500 1,000 Feet
1:18,000
BROOKLINE GIS

The yellow circles indicate traffic coming from Allston and Brighton via Washington Street and Harvard Street, where the Black population is 6% and 4% and the Latinx population is 14% and 11%, as well as from Watertown (1.6% Black and 9.2% Latinx) and Cambridge (10.7% Black and 9.5% Latinx). The green circles indicate traffic coming from Newton and from West Roxbury, often originating in suburbs further south and west such as Natick, Framingham, Dedham and Walpole. The Black population in these Western and Southern suburbs ranges from 0.7% to 8.2% and the Latinx population ranges from 3.9% to 16.1%. Those six circles account for 69% of the vehicles entering Brookline during the morning rush-hour and 59% entering during the evening rush-hour.

The red circles represent traffic coming from the Longwood Medical Area (LMA). They account for another 19% of vehicles entering into town in the morning and 27% in the evening, with people employed in the LMA leaving work to return home. Only 12% of the morning traffic and 14% of the evening traffic enters Brookline from Huntington Avenue, which adjoins the Mission Hill neighborhood (15% Black and 20% Latinx).

A table with the racial compositions of the municipalities and Boston neighborhoods identified by Administrator Kirrane is on page 47.

Our analysis shows that Black motorists are disproportionately more likely to be stopped, not only based on Brookline population, but the population of municipalities and Boston neighborhoods from which traffic likely originates, with the exception of Mission Hill. Given the preponderance of vehicles entering from points of origin with largely White populations, it seems quite reasonable to conclude that the high percentage of stops of Black drivers in particular indicates either explicit or implicit bias on the part of patrol officers.

Furthermore, motorists of color - in particular Asian American motorists - are more likely to receive tickets rather than warnings when they are stopped, which is another sign of bias. This is based on data we received data from Chief O'Leary (see Appendix K) showing the percentage of traffic stops in 2028 and 2019 that resulted in a citation (e.g. a speeding ticket), a warning, or an arrest. The following table is a summary:

	2018				2019		
Race	**Ticket**	**Warning**	**Other (Arrest; Court; Void)**		**Ticket**	**Warning**	**Other (Arrest; Court; Void)**
White	9.9%	88.1%	2.0%		12.5%	86.7%	.8%
Black	8.9%	87.7%	3.4%		12.3%	84.9%	2.8%
[East/SE] Asian	15.6%	83.7%	1.6%		16.3%	82.3%	1.5%
[South]Asian	13.3%	86.3%	.04%		16.1%	82.4%	1.5%
Hispanic	12.8%	82.9%	4.3%		14.7%	81.7%	3.6%
Other/unknown	8.3%	77.8%	13.9%		11.4%	77.2%	11.4%

The last question was whether traffic stops by police officers resulted in significant numbers of arrests or referrals related to court cases. As one can see, the percentage of stops resulting in arrests or court cases is quite low. Furthermore, according to Chief O'Leary, many of these arrests were accompanied by major driving infractions such DUIs. Thus, there are almost no stops where a simple stop (basic speeding, failure to signal) leads to getting a gun or a dangerous person off the streets, contrary to part of the narrative used to support police doing traffic enforcement.

	Stops	**Arrests**	**Court Cases**
2018	9,249	69 (0.8%)	90 (1%)
2019	13,761	85 (0.6%)	127 (0.9%)

3. Proposals on reimagining traffic enforcement from other municipalities and countries

A number of other municipalities have or are considering making traffic enforcement a civilian function. These include:

· The Cambridge City Council is considering a proposal that would move "routine traffic enforcement" duties from police officers to a group of unarmed city employees. Cambridge is considering shifting 'routine traffic enforcement' away from police. Here's what to know, July 30, 2020.

· The Berkeley, California City Council voted in July 2020 to create a Department of Transportation and move traffic citations to that department. Berkeley cops to stop issuing traffic tickets under sweeping police changes, July 15, 2020.

· Montgomery County in Maryland has commissioned a study to figure out whether that county might be able to move certain traffic enforcement functions out of the police department and into other government agencies, including more use of automated camera enforcement. Should police be in charge of traffic enforcement? In a suburb beset by racial inequities, lawmakers aren't sure, August 10, 2020.

· In New York City, traffic enforcement is conducted by civilians, but they are under the jurisdiction of the Police Department. There is a proposal to move these civilians into the NYC Department of Transportation. Campaign To Remove NYPD From Traffic Enforcement Gains Steam, June 25, 2020.

· International perspective

We were only able to find one example of civilian traffic enforcement in admittedly brief research. In the United Kingdom, traffic enforcement on certain highways is conducted by civilian Highways England traffic officers. Can a Highways England motorway traffic officer give me a speeding ticket? Find out what these officers can and can't do

Ironically, the U.K. government is now considering giving police powers to these Highways England traffic officers. Civilian road patrols to get 'police powers', February 2017.

· Finally, this article has a good "Cliff Notes" summary about policing models in general in different countries. How Police Compare in Different Democracies, last updated Nov. 12, 2020.

4. Massachusetts law

A significant obstacle for any proposal to move traffic enforcement functions from police officers to civilians will be Massachusetts law. Chapter 90C, Section 2 of the Mass. General Laws essentially vests the power to issue traffic citations to police officers, in

that it specifies that the protocol involves the police chief issuing paper or electronic "citation books to each permanent full-time police officer of his department whose duties may or will include traffic duty or traffic law enforcement."

This section likely means that civilians would not have the authority to issue traffic citations, or to stop motorists for that purposes. In fact, at one point, the Massachusetts Appeals Court held that even campus police officers from private colleges, who are authorized by state law to make criminal arrests, cannot stop vehicles to issue civil traffic citations. Commonwealth v. Mullen, 40 Mass. App. Ct. 404 (Mass. Ct. App. May 6, 1996).

Automatic enforcement by camera was mentioned in a couple of the articles cited above as a possible additional reform to reduce racial disparities in traffic enforcement. However, there is no Massachusetts law that permits the issuance of citations based on camera enforcement. This past year, a bill was introduced in the State Senate to allow enforcement by camera (S.2553). A bill to allow red light cameras is heading to the Mass. Senate floor. Here's how the system would work, February 21, 2020. Update from Administrator Todd Kirrane: Senate Compromise Bill 2553 (red light cameras and school-bus cameras) died in the senate 19 to 18. The bill will likely be refiled in 2021 in the new legislative session.

5. Recommendations

Based on the above research, both policy-based and legal, one option would be to wait for the results of Berkeley's consultant study and Cambridge's efforts in this area. However, several Task Force members did not want to wait but to take immediate action.

Instead, the majority of Task Force members support recommending the introduction of a bill or Home Rule petition in the state legislature permitting certain limited traffic functions to be fulfilled by civilians.

Another option could be to support the refiled version of S.2553, the bill allowing automatic traffic enforcement by camera. Task Force members were split about that option.

School Resource Officer Subcommittee Report

I. Introduction

A. Mission

This subcommittee will specifically examine the role of the School Resource Officers (SRO) within the Brookline Police Department (BPD) and Brookline Public Schools (PSB). It will analyze what function the SROs serve; if the function meets the criteria set forth in the Memorandum of Understanding (MOU) as signed as well as put forth by the Office of the Attorney General of Massachusetts; the balance the benefit SROs provide in relation to community policing, BPD and PSB students and families; methods and measures of accountability for SROs, BPD and PSB; and, the presence of SROs presenting lessons to PSB students.

B. Members

Malcolm Cawthorne
Kimberley Richardson
Kristan Singleton
Alexander Weinstein, subcommittee chair

C. Acknowledgements

As a subcommittee we would like to acknowledge the following individuals and groups:

BDP Officer Kaitlin Conneely, BHS SRO who came to explain her role at BHS and field questions from the committee

Suzanne Federspiel, Chair of the School Committee learned about the SRO and explained the role of School Committee in placing an SRO at BHS and knowledge of the curriculum used in PSB Middle Schools

Rahsaan Hall, Lawyer for the Massachusetts ACLU helped explain the MA law around SROs, the Police Reform Bill in front of the MA Legislature and national research by ACLU on SROs

BDP Sergeant Casey Hatchett, a leader with the Community Police Division who came to help explain the role of SROs in BPD and PSB

Katie Goldring, Gr 6-7 Health & Wellness educator for helping us to develop a more in-depth understanding of the AWARE program and how it is implemented in the elementary schools.

Dr. Maria Letasz Ed. D, PSB Director of School Counseling and Clinical Services who gave explanations for the district perspective of BPD officers in PSB schools with a focus on the Middle Schools

Anthony Meyer, Head of School at Brookline High School who has helped explain the history of SROs at BHS and his role in bringing an SRO to BHS

Lesley Ryan Miller, Principal of the John Pierce Elementary School who helped explain the connection between BPD and her school

Dr. Robert Weintraub Ed. D, former BHS Headmaster who helped with the history of Brookline Police liaisons and collaboration with BHS Administration

Pat Savage-Williams, School Committee President of Evanston (IL) Township Public Schools who helped with understanding of how School Resource Officers are used in similar districts

Carlyn Zaniboni Uyenoyama, PSB Health and Wellness Coordinator K-12 who helped explain the role of BPD with the AWARE program with PSB Middle School students

David Youkilis, Interim Principal of the Michael Driscoll Elementary School who helped explain the connection between BPD and his school

D. Initial Questions

What is the history of the SRO position in Brookline? What was the initial thinking behind instituting the position?

What are the statutory requirements for the SRO position?

To what extent is the SRO involved with school discipline, or with initiating criminal cases for students?

What are the costs and benefits for having an SRO? Who bears those costs, and who receives those benefits?

E. Research Process

1. Historical and Institutional Research

Brookline Public Schools (PSB) and the Brookline Police Department (BPD) have had a long relationship as two institutional pillars of Brookline. For both, it is important to remember that these institutions have helped shape the Town for all of its attractiveness to those who reside here, attend school here and work here. Brookline High School (1843) was created 35 years before the Town saw a need for a police department (1878). There are many reasons for this; while I won't share the details, I do mention it because towns often adjust or create their institutions because of the things that are happening within the nation, the state and local communities.

While it is uncertain when BPD and PSB began their relationship with BPD officers making school visits to speak with PSB students, we know this has been happening for quite some time. The issue of an SRO is not about BPD having no role or connection to each of the schools within PSB. The historical issue is what brought the need for SROs into PSB schools and expanded the responsibilities for BPD as opposed to PSB.

In 1986, BHS began a program within its Social Studies Department known as the Legal Studies Program. This was a three year program where students learned about the legal process.

This brought then BPD officer, now Town of Brookline Associate Legal Counsel, Joslin Murphy to be a guest speaker for the senior class who also helped connect BHS students with internships that sometimes led students to further connect with BPD officers. This program continues but not in its original conception because the Education Reforms in the 1990s changed the scope and sequence of BHS Social Studies course offerings. Since 1996, Legal Studies became an senior elective exclusively and it still has guest speakers throughout the legal process as well as an internship that includes the High School Citizens Police Academy during the 3rd quarter. In 1991, Brookline began the DARE program in PSB Middle Schools which included 9th grade Health and Wellness classes at BHS. After decades in the national spotlight, The DARE program was deemed a failed program and both PSB and BPD ended the program. This program officially ended in the Spring of 2008 and there was the creation of the AWARE program. These programs changed the role of BPD in PSB but maintained a relationship between them.

Nationally, the 1980s saw the continuance of late 1960s terms from the Nixon Era like “Law and Order” combined with “The War on Drugs" and “School Resource Officer”. However, it is still unclear why these terms would affect the Town of Brookline or BHS when drugs weren’t rampant here during that time. Former Headmaster, Dr. Robert Weintraub Ed. D., felt that there was a negative perception of the Brookline Police when he arrived in 1989 as Assistant Headmaster. When he became Interim Headmaster in 1992, he worked to change that perception by meeting monthly with then BPD Chief Daniel O’Leary which led to having the weekly “Round Table” with BHS Administrators, Community and Juvenile Officers of both BPD and Brookline Municipal Court. The weekly Round Table continues today.

After the Columbine [CO] School Shooting (April 1999), a Brookline Police car and Officer was located in front of BHS before and after school to provide a greater sense of security for students, faculty, staff members and community members. As there have been more school shootings, there have been times where there was suggestions for, some would say pressure applied to, BHS Administrators to do things differently to maintain safety. In particular, the addition of more security by reducing the large number of BHS entry ways and exits. These suggestions or this applied pressure came to BHS Administrators from some BHS Administrators, School Committee (SC), PSB Central Office Administrators and BPD. Currently, none of those security steps have been enforced at BHS.

In 2013, the Massachusetts Legislature passed a Bill that required each municipality to have a SRO beginning January 1, 2014. The statute was amended by a criminal justice reform bill in 2018 and provided a new template for the MOU by the MA Attorney General’s Office. The statute is M.G.L c. 71, § 37P. Brookline entered into an MOU in October of 2019.

2. Interviews

11/23/20: Associate Town Legal Counsel, Michael Downey.
11/30/20: BPD Officer Kaitlin Conneely, SRO at Brookline High School; and BPD Sergeant Casey Hatchett.
01/11/21: Katie Goldring, health and wellness educator at the Runkle School; and Suzanne Federspiel, chair of the School Committee.

3. Survey

Data analysis from the 2020-2021 Task Force Departmental Analysis subcommittee survey of 25,000 Brookline residents[3] showed that a significant percentage of respondents did not know that there are police stationed in schools.

The report states:

> "Of parents with children in schools, 14% report that law enforcement officers are stationed in the school, 47% say officers are not stationed at the school, and 39% are not sure. Of those reporting that officers are stationed in their child's school, 79% report being comfortable with the officer's presence, 13% report being uncomfortable, and 7% are neither comfortable nor uncomfortable. Of respondents with children, only 2% report the child involved in a disciplinary action involving the police." (https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report, page 8)

The Tufts survey does not address the SRO position in particular. It's clear from the survey that the community wants police to be there to focus on crime, and doesn't want police to take the lead on any other issue. They wanted to limit the scope of police duties, and to limit their power within those duties.

II. Findings: History and Current Status of the SRO Position

Since the 2000s, a number of BPD Officers have served in essence as Community Officers or Liaisons because of their consistent work with BHS and the school community; Officers Deb Hatzieleftheriadis, Tim Stephenson, Prentice Pilot and Sean Williams are just a few. It is clear that there is a need for BPD Liaisons to PSB schools for specific instances around mandatory reporting and juvenile, criminal activity that can and will occur at school or with PSB students in Brookline but outside of school. Whether it is The Round Table at BHS or similarly appointed BDP to work with specific, elementary school administrations, the difference is the role of BPD in relation to schools and SROs.

It is unclear when negotiations to bring an SRO to PSB, particularly Brookline High School (BHS), began. The Interim Superintendent, Ben Lummis, who signed the MOU, does not seem to have been involved in the initial talks around an SRO being placed at BHS. The former Brookline Police Chief, Andrew Lipson, was at the helm for a little more than one year when he signed the MOU and he is no longer chief because the job was untenable. This is problematic. When leaders make decisions for arguably the two biggest institutions in our Town and aren't present to evaluate them, monitor them or oversee them; that is problematic. Neither of these two leaders had much contact or communication with PSB or BHS outside of each other during a period of transition for both institutions.

When this committee's work began, there was one SRO who was regularly stationed at the high school. Officer Kaitlin Conneely began her work at BHS in the fall of 2018 before the MOU was signed and near the beginning of both Lummis and Lipson's terms. BHS went through a process to choose the current SRO. There were three candidates put forth by BPD, the Head of School and other BHS Administrators interviewed them, and the school chose Officer Conneely.

[3] You can find the full report at https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report.

The lack of transparency around this issue had led people to think that the police department chose her. Instead, it was a collaborative process. The MOU, creating the standards for the SRO position, was signed in 2019. This occurred just after the state law about SROs was amended to require an MOU. We have not yet been able to uncover prior MOUs or discover how long MOUs have been used to define the expectations of the position.

In the Fall of 2018 the SRO at BHS moved into an office across from METCO's designated space at BHS which is also located near the Steps to Success (STS) and African American/Latinx Scholars Program (AALSP) spaces at BHS. There was no communication about this decision in advance of her office placement; no one communicated to the BHS staff; no one communicated to the BHS student body, and no one communicated to the BHS caretaker, guardian or parent community that an SRO was placed in the building nor where her office would be. When SRO Conneely became aware that she was being placed near to the METCO space, she promptly talked with the BHS METCO Coordinator on her own initiative. She was upfront and said that if this is a bad place for her, she would move. That productive conversation was never directed toward STS or AALSP. It became clear that no BHS or PSB Administrators spoke with METCO, STS, or AALSP staff, students or families about this strategic location. In mid-September 2020, shortly after mocking a "chokehold" while commenting during a meeting of the Task Force to Reform Policing, Select Board member Bernard Greene called the current, Interim PSB Superintendent, Dr. Jim Marini Ed.D., and asked for the SRO to be moved from her current office location. He made this call without discussing it with any other school personnel, the elected School Committee members or either Task Forces and without specifying where the SRO office should move.

In our committee meeting on November 23, 2020, Associate Town Legal Counsel, Michael Downey made this committee aware of the SRO Fact Sheet produced by BPD. In that document, there are three more BPD officers who are titled as SROs who work in each of the K-8 schools throughout the year. It is not clear when the fact sheet was written nor published on the BPD website; however, all BPD interaction as well as having Sergeant Hatchett and former Chief O'Leary in attendance at Task Force meetings, there was no mention of more than one SRO before encountering this fact sheet. On November 30, 2020, Sergeant Hatchett responded to a question about this new information commenting that these three officers who work with PSB Middle Schools and beyond were doing the same job as an SRO and their titles were changed. Unfortunately, the November 30 meeting was zoom bombed and there was not another meeting to follow up on that statement.

These findings led the committee to reach out to K-12 Health and Wellness Coordinator, Carlyn Uyenoyama, PSB elementary school personnel and leadership as well as School Committee Chair Suzanne Federspiel. It has become clear that there isn't a transparent nor consistent understanding of the SRO role at the eight elementary schools. As we spoke with Health and Wellness teacher Kate Goldring (Runkle), Interim Principal David Youkilis (Driscoll), Principal Lesley Ryan Miller (Pierce) and Dr. Maria Letasz Ed. D. (PSB Director for School Counseling and Clinical Services) that the presence and consistent connection as outlined in the SRO MOU isn't happening the same way at the eight elementary schools. In addition, the School Committee had no idea SROs are in the PSB buildings, let alone "teaching lessons" in a program for PSB Middle School students. Furthermore, this committee questions the lessons to be taught by SROs in the Middle Schools.

The committee reviewed letters that went to PSB 7th and 8th grade families written on BDP letterhead and sent electronically as well as postal mail in January of 2021. These letters notified parents that SROs will teach students about racial justice. With the information in those

letters as well as information gleaned from conversations with Middle School Leaders, District Leaders, SC Members, this committee has struggled to find answers as to why PSB students need or want SROs to teach about the following topics: Mental Wellness, Healthy and Unhealthy Relationships, Cyber Bullying, Safety During COVID, Substance Awareness, and Issues of Racial Justice and Community Policing. After addressing this issue at a meeting of the full Task Force on January 29, 2021, the committee received a forwarded email from former Chief O'Leary that was originally written by Lieutenant Jennifer Paster of the BPD Community Division in the afternoon of the same day. This email outlines a total of nine lessons over three years; two for 6th graders, three for 7th graders, and four with 8th graders. The curriculum does not mention the SROs teaching about racial justice. The email stated that SROs are present in the classroom for discussions of bullying and sexual assault at least in part because they had witnessed information being presented incorrectly under current law; it is not clear why an SRO would be more suited to do this task than a lawyer, or why checking the accuracy of the curriculum could not be done in advance rather than in real time. The email also places the driving force behind any curriculum changes as coming from Brookline K-12 Health and Wellness Coordinator Carlyn Uynemoyama. This is odd because of its timing. Malcolm Cawthorne had been speaking with Ms. Uynemoyama since the revelations of Middle School SROs and none of the changes made were mentioned by her. The letters went out to PSB Middle School families on BPD letterhead the week of January 17-23. Chief O'Leary was in our weekly Task Force meeting at 8am on January 29 and then left the meeting before 8:15am. Lieutenant Paster, Sergeant Hatchett or O'Leary could have sent the email to the two Task Forces earlier since the notes on the documents were (up)dated on January 26, 2021.

This history leads this committee to challenge the need and even the titling of SROs according to the MOU. What caused the BDP and PSB to place an SRO in BHS after 175 years of existence? The 2013 Bill did not mandate that the SRO be permanently located within a school building. This committee believes that the relationship with BPD Liaisons would and should have satisfied the school and the Town. With the context of the SRO MOU, it is hard to understand how Middle School SROs in Brookline can meet the expectations of the MOU. Moreover, this committee challenges the idea that BPD is more apt or qualified than trained teachers, counselors, trained peer counselors from BHS and the Town Victim Advocate to provide the nine lessons presented by armed, BPD officers who were not vetted by any PSB Middle School personnel. Normally, when courses are altered or modified, that needs to be presented to the School Committee ahead of implementation; this has never happened.

We recognize that officers working with students is consistent with BPD's community policing model and may also be consistent with aims to build relationships with students so that they feel comfortable reporting crime within the Brookline community. But we do not believe there is wide community endorsement of this work. In addition, we believe that despite the writing produced by BPD about parent partnerships, there is no evidence that there were any attempts of public or community outreach.

Finally, Governor Charlie Baker signed into law a Police Reform Bill in December 2020. The law no longer mandates that municipalities have an SRO. This bill made several other significant changes to the statute governing SROs. An SRO may only be assigned at the request of the school superintendent. The superintendent must, every year, make a public presentation to the School Committee on the SRO. A new commission will review the model MOU and create a new one for mandatory at-minimum implementation in the 2022 school year. [See Appendix A for a full summary of the changes in the law.] Since there is no longer a legal requirement that Brookline have SROs, we need to seriously consider whether we want them.

II. Recommendations

Remove SROs from schools.

After months of debate, our position is clear: SROs should not be in schools. SROs are not educators, they do not make the requisite investments to educate students well, and the Town's using them in service of educational purposes undermines the pillars of safety and community that are needed for students to thrive in our schools.

This position was established very nearly under cover of night. The MOU was signed by an interim superintendent and a short-term police chief. The School Committee was not consulted. Parents are not aware of its existence.[4] There was no public process around its implementation. There was no public process around the much-discussed move of the high school SRO across from the METCO office, or even notice given within the high school itself. There was no public process, nor the routine presentation to the School Committee, around the January 2021 changes to the middle school curriculum which will now have armed, uniformed officers teaching about racial justice. And, as of December 2020, Massachusetts law no longer requires an SRO. The law prior to that was never clear that an SRO had to be stationed in the BHS building at all. Police officers are not better qualified than trained teachers to teach middle school students about health and wellness. It is deeply important to reference the previous section of this report for a full and nuanced accounting of these findings; still, the evidence is overwhelming.

We have received some public comment which is thinking about this issue in terms of loss rather than gain. They are thinking of the loss of a person who they know, or with whom they have a relationship. We are thinking about gain. We can gain different ways to get what our kids need. We want to put more and better things in place.

We are not saying that we should ban police associations with schools, or police liaisons to schools. None of what we're suggesting precludes, for instance, the senior Legal Studies class being run the way it currently is, with police officers as occasional guest speakers.

If Brookline is determined to keep the SRO position, it must be after engaging in an authentic reauthorization process prior to the start of the 2021-22 School Year.

We must land the plane so we can see whether we even need it to take off.

If the town insists upon the SRO position, that insistence must be done through a rigorous public process. It cannot come solely from the Select Board--not after the profound lack of transparency surrounding the implementation of this position. And, crucially, the SRO position should not exist until such time as that process has concluded.

[4] "Of parents with children in schools, 14% report that law enforcement officers are stationed in the school, 47% say officers are not stationed at the school, and 39% are not sure." Data from 2020-2021 Task Force Departmental Analysis subcommittee survey of 25,000 Brookline residents: https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report.

The point here is not so much transparency--which should be a given, especially after the clouded history surrounding the creation of the position--as having a true public discussion about whether we need an SRO, why, and what form the position should take.

In legislative bodies, a reauthorization process is one that provides an opportunity to create, extend, or make changes to the terms under which a program operates.
While we as a subcommittee believe that the social and emotional needs of students can be met through other partnerships beyond those with the BPD, we acknowledge that there are students, families, and educators who do have positive regard for the presence of SROs and who do value their participation in the school community. We believe that an authentic reauthorization process -- one using the mechanisms of discussion, data collection, and identified accountability -- is the correct path for the Town because it will allow us to achieve a better balance between the recently updated regulations, the perspectives of those who support school-police partnerships, and those who have legitimate and important concerns about the partnerships. This reauthorization process is absolutely necessary if Brookline is to keep SROs, because parts of this position's initial implementation did not receive public scrutiny through discussion by the School Committee.

As a subcommittee, we also believe that the Town must also use a racial equity lens as part of its SRO reauthorization process. We define the use of a racial equity lens as "paying specific attention to race and ethnicity while analyzing problems, looking for solutions, and defining success". We do not believe that any reauthorization process should be reduced to a simple "numbers game" where the group that is able to bring the largest number of voices to the table has the final say on the design and implementation of a proposed program or initiative. This approach will continue to marginalize the perspectives of those in the demographic minority. Of critical importance is that the Town not view the decision of whether to continue SROs as a school-police partnership as an *isolated programmatic decision* and instead consider its school-police partnerships in the context of how some community members experience the *cumulative effects of policing*: this includes prioritized placement of police in their neighborhoods; the increased likelihood of encountering police while walking or driving in the town; as well as the presence of police officers in their school communities.

Prior to SROs returning to any PSB school, we recommend that the Town and School Committee commit to the following:

- A full audit and accounting of the places where it is currently using SROs or anticipates that it might use SROs in its curriculum (e.g., the Health & Wellness AWARE curriculum)
- Convening with parent support and advocacy groups (e.g., METCO, the Brookline Parents Organization, the Brookline Parent Education Network, the Brookline Asian American Family Network, Steps to Success) to discuss the anticipated design of its school-police partnerships and to obtain parent and family feedback on the design and anticipated benefits of those partnerships with groups representing and supporting communities experiencing disproportionate and adverse impact of policing (e.g., Brookline for Racial Justice and Equity, Unitarian Universalist First Parish in Brookline) to discuss their perspectives on and concerns about the anticipated design of proposed school-police partnerships
- Convenings both with student groups and student counselors to discuss their perspectives on and concerns about the anticipated design of the school-police partnership and their anticipated benefits
- Develop a method for evaluation of SROs and their effectiveness in schools that will be presented to the School Committee

- Increased participation within the faculty and staff communities at the assigned schools. This will mean attending Faculty meetings, attending Professional Development days and times as well as being involved in School equity trainings and planning
- The School Committee and Superintendent devoting at least one summer session to sharing the findings of its convenings on potential school-police partnerships with opportunities for written and public comment from the community

To complete an authentic reauthorization process, some of the steps above need to begin as soon as spring 2021. For example, it will be far easier and more credible for the town to make investments to obtain the input and perspectives of students and counselors during the academic year than it would be to attempt to obtain similar types of input during the summer.

In employing a racial equity lens to the reauthorization, it is particularly important that the Town structure conversations in ways that can overcome the climate of fear and concerns about retribution in response to feedback that exists in communities that experience adverse effects of policing. This may require assurances of confidentiality or establishing new partnerships that allow the Town to leverage expertise or relationships that it does not currently have.

As a subcommittee we recognize that the significant effort and time commitment required to complete the work above. Optimally, the Town would have an established history of doing this work prior to the implementation of any its school-police partnerships. We also recognize the role that inertia often plays in program implementation and we specially call upon the Town not to implement a "business as usual" approach whereby design of the school-police partnerships remain intact and implemented according to their historical patterns.

Should the reauthorization outcome result in the Town's continuing its school-police partnerships, the Town of Brookline must more clearly adhere to the "model memorandum of understanding" (MOU) process for formalizing and framing the partnership. In addition to the terms set forth in the model MOU, we recommend that any MOU established between the School Committee and the chief of police must:

- Identify what other educator and community resources were considered to support the educational, social, and emotional needs of students and why the services of the town police department are a better choice to meet those student needs
- Identify what the budget implications are of continuing the partnership
- Identify the types of data that will be collected to evaluate the efficacy of the partnership
- Identify the types of data and what data collection methods (with appropriate permissions from affected students and their families) are needed to determine which student groups and which segments of the Brookline community are brought in contact with the BPD through the partnership
- Identify how the BPD plans to use a racial equity lens to analyze the program data, including what training and support will be provided in the BPD for data analysis
- Identify what the communication plan will be for sharing program outcomes with parents and the larger Brookline community

The bare minimum, the floor for this public process, is the new set of legal requirements. [See Appendix L.]

Walk & Talk
Subcommittee Report

I. Introduction

A. Mission

This subcommittee will specifically examine the role of the Brookline Police Department's (BPD) Walk & Talk (W&T) program. It will analyze what function the program serves, what net benefit it provides Brookline Housing Authority (BHA) residents, and the interactions of the officers with Black, Indigenous, People of Color (BIPOC) residents and visitors.

B. Members

Bonnie Bastien - Subcommittee Chair
Kimberley Richardson
Anne Weaver

C. Initial Questions

- What are the BPD's objectives, as well as the BHA's objectives, for the W&T Program?
- Does the program accomplish its objectives?
- What are the BHA community's experiences of, and perspectives on, the W&T program?
- Why does the W&T program focus on "relationship-building with youths" at BHA and not in the other communities of Brookline?
- Is the program necessary? If not, do the benefits outweigh the costs?
- What specific services do W&T officers provide?
- Is it possible for another service to better serve the needs in this community?

II. Walk & Talk Program History

As stated on the W&T page on the BPD website, “The officers assigned to the Walk & Talk unit, within the Community Service Division, are the main liaisons between Brookline Housing Authority (BHA) Administrators, personnel, and residents, and the police department. The goals of the Walk & Talk program are to make the officers approachable to the residents and vice versa, help them become familiar with the dynamics of housing life and to identify any residents in need of assistance. Through a combination of foot patrol, bike patrol, motorized patrol and attendance at community meetings/events these officers are highly visible to the residents.”.

In 1992, the W&T program was started by then Lieutenant Daniel O’Leary, Detective Mark Morgan, Chief Simard, and Brian Cloonan (Exec. Dir. of the BHA at the time). It was the beginning of a shift toward a new community policing strategy in Brookline. Community policing is a law enforcement approach whose objectives are to reduce fear and concern about crime and improve satisfaction with police service by having police officers staying in close contact in the neighborhoods they serve (see “Community Policing” defined by the National Police Foundation).

It has been stated in our Task Force conversations by now former Chief Daniel O’Leary that the W&T program was initiated in order to create positive relationships between police officers, residents, and youths so that not all interactions with officers are “bad”. He described this work as “building bridges”. The BPD website goes on to explain that through making the officers highly visible to the residents of the BHA, residents will become more trusting and willing to speak with the officers in order to alert them to potentially developing problems, report crimes, and to inform officers about happenings within the properties.

In our research to understand the objectives of the W&T program we found that in the almost 30 years of the program’s existence there has never been a contract or MOU written between the BHA and the BPD stating agreed upon objectives. The BPD’s objectives are described on their website (noted previously). There is no mention of the W&T program anywhere on the BHA website as a service provided or resource available to the residents. The only mention is in a post documenting a summer event. The officers are mentioned as attendants. There are no stated objectives for the program on the BHA’s end. In our interview with Mathew Baronas [see Appendix B] he stated that before the program was started the BPD noticed that there were BHA residents that were repeatedly getting put into the criminal justice system. The BPD offered a way to help diffuse and divert situations to help residents avoid the criminal justice system. He called the W&T officers “a part of the social service fabric” and states that their goals are the BHA’s goals which are “to help residents overcome their disadvantages to be able to thrive.” It has also been found that there has never been a formal assessment of the impact of the W&T program from either the BHA or BPD or from the perspective of the BHA residents receiving the service.

The subcommittee found that there has been an annual payment to the BPD of $15,000 that comes from the BHA’s operating budget in return for the W&T program since the early days of

the program. There is no documentation of an agreement or what that payment is used for, though it has been stated in Task Force conversations with BHA administrators that that money began as a payment to the BPD to help supplement the officers' overtime. It is unclear what it is used for most recently.

III. Research Process

A. Literature Review

The subcommittee reviewed peer-reviewed academic articles and websites related to community policing and community-based supports and services. The focus of the literature review was to gain an understanding of the historical impacts of community policing, as well as research and advocacy on community-based police programs and the impact, if any, on people living in affordable or public housing.

We used this research to shape our interviews and our recommendation priorities.

See Appendix M for more details.

B. Interviews

Administrative Interviews

1. **December 16, 2020**. Interview with W&T officers Pilgrim, Stephenson, and Lawlor. The interview focused on the W&T officers' day-to-day experiences and activities in the program, their relationships with BHA residents, and the purpose and goals of the program.

2. **January 19, 2021**. Interview with Matthew Baronas, Director of Property Management for the BHA. The interview focused on the history of the W&T program, overview of present-day W&T program, resident perspectives on the W&T program, and annual payment of $15,000 given to BPD for W&T program.

3. **December 16, 2020**. Telephone conversation by Bonnie Bastien with Michael Alperin. The interview focused on the history of the W&T program, annual payment of $15,000 given to BPD for W&T program; surveillance cameras, and BHA safety issues.

BHA Resident Interviews

1. **Jan. 24, 2021. BHA Resident 1** - Notes from a phone conversation on W&T program in BHA

2. **Jan. 24, 2021. BHA Resident 2** - Notes from a phone conversation on BHA and policing

3. **February 1, 2021. BHA Resident 3-** Notes from a phone conversation on BHA and W&T program.

Brookline Resident Interview

1. **Dec. 11, 2021 - Dec. 12, 2021. Brookline Resident 1**- Testimony taken from a social media post on W&T program in BHA

2. **Jan. 26, 2021: Brookline Resident 1**: Focus of interview was on policing in Brookline and public safety, particularly for BIPOC.

See Appendix N for full interviews.

C. Task Force Community Survey Responses

Data analysis from the 2020-2021 Task Force to Reimagine Police Departmental Analysis subcommittee survey of 25,000 Brookline residents[5] found that Latinx and Black residents of Brookline were 8-9 percentage points more likely to have had a negative experience with the BPD than white or Asian residents, and less likely to report having had a positive experience (p. 5).

On the survey question on whether the BPD helped to feel safe in the community, 4% of Black respondents felt unsafe, 7% of Asian respondents felt unsafe, and 16% of Latinx respondents reported feeling somewhat or mostly unsafe (p. 6).

In addition, survey data showed a marked difference on respondents' perceptions of racial discrimination by Brookline police. While barely any white respondents (0.5%) felt they had been discriminated against by BPD officers, members of other racial groups and ethnicities reported greater perceptions of discrimination. Five percent of respondents who identified as Asian reported feeling discriminated against by local police, while 12% of Latinx respondents reported discrimination, and, significantly, 24% of Black respondents reported feeling discriminated against by BPD officers (p. 7).

[5]See https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report for full survey data and analysis.

Finally, a significant percentage of survey respondents preferred community crisis workers to respond to non-violent crisis situations instead of police responders, except in domestic violence cases. The report stated:

> "In responding to someone experiencing a mental health crisis or is suicidal, 4% think the police should respond, **83%** think social service workers should respond and 12% think both should respond. In dealing with a homeless person, 5% think the police should respond, **88%** think a social service worker should respond, and 8% think both should respond. In dealing with a dispute among neighbors or a disorderly minor, 23% think police should respond, **64%** think a social service worker should respond, and 13% think both should respond. In dealing with a case of domestic violence or abuse, 42% think the police should respond, 26% think social service workers should respond, and 31% think both should respond. In most of these scenarios, particularly those that are noncriminal, the public overwhelmingly favors social service workers responding rather than police."
> (p. 11, boldface added)

D. Police Reform Committee Survey of Walk and Talk Program

The Select Board's Committee on Police Reform (a different committee then our Task Force) developed and mailed out a survey to residents of BHA properties asking for their experiences and opinions of the W&T program. The survey data was analyzed by a Town of Brookline staff member and relevant data to this subcommittee's charge is presented here.

Seventy responses from BHA residents were received by the Committee, a response rate of approximately 9%. Of those responses, six informants (or 9%) identified as Black, six informants (or 9%) identified as Latinx, 14 informants (or 20%) identified as Asian, and 32 (or 46%) identified as white. These percentages of respondents' racial/ethnic backgrounds differ from the racial/ethnic representation in the BHA community where 56% of residents identify as white, 25% identify as Black, 15% identify as Latinx, and 14% identify as Asian. The difference between those who responded to the survey versus those who reside in BHA is particularly noticeable for Black and Latinx residents, whose voices were not adequately represented in the survey results.

Statistical differences between respondents and BHA residents were also noted in the ages of the respondents: 39 of whom identified as age 65 or older; 12 who identified as ages 51 to 64; and 8 who identified as ages 36-50. In other words, 73% of the survey respondents identified as age 51 or older. This skew toward older survey respondents is notable in that young BHA residents' experiences and opinions about the program – identified by W&T officers and BHA staff as a primary focus of the W&T program [see interviews in Appendix N] – were not represented by survey respondents.

Only 36 (or 51%) out of the 70 respondents reported that they were familiar with the W&T officers. Nineteen of the 36 who were familiar with the officers were in the 65+ age group and 10 respondents who were familiar with the program were in the 51-64 age group. It was unclear from the wording of the question if the respondents who reported “no familiarity” of the W&T *officers* were familiar with the W&T *program* or not.

In conclusion, this survey of BHA residents about the W&T program appears to be missing important data from BHA residents directly affected by the program. Of the 4 respondents who were in the age range of 18-35, 2 identified as white, 1 as Jewish, and 1 as Latinx. Broad sampling of young Black, Latinx, and Asian BHA residents is essential in evaluating this program and this demographic was notably absent from this data.

Why these young voices were absent is unclear — perhaps due to older family members filling out the survey instead of younger members; perhaps because younger members did not want to provide responses to the survey; or perhaps due to other explanations. Yet without the voices of young residents’ direct participation, it is impossible to reach any meaningful conclusions about the usefulness of the W&T program from this survey.

See Appendix C for a copy of the survey and the Preliminary Report Survey Analysis

IV. Findings:

In the beginning it was difficult to find BHA residents willing to speak with us or attend public meetings. This is in part because it took time for the subcommittee to find the right approach, but also because many fear retribution from the BPD or the BHA for speaking out. They expressed fear of losing their tenancy for speaking to us about the police. Our solution was to reach out to individual residents to have anonymous 1:1 conversations and transcribe the information without any identifying details. We were then able to get testimony from past and present BHA residents, as well as non-BHA Black residents in other neighborhoods of Brookline. This extreme hesitancy from BHA residents to speak freely about their perspectives on the police is itself evidence of the problematic nature of the W&T program. The community engagement work of this subcommittee is ongoing and will continue beyond the timeline of this Task Force.

BHA Resident Responses

The W&T program appears to be a great benefit to some BHA residents. Some have reported in the Task Force public hearing in September 2020 and in other public spaces that they have very close and trusting relationships with specific W&T officers. Many elderly residents report being quite pleased with the W&T program. There have been reported benefits in the youth basketball league as well as the residents’ ability to call on these officers at any time of day if they are experiencing an emergency.

Some residents report being grateful to the officers for their generosity during the holidays because they have been known to cook holiday meals for BHA residents.

The W&T program has also been reported to be a detriment to some Black BHA residents [See Appendix B]. Those residents report heightened anxiety and fear due to police presence at BHA properties. This anxiety has not been directed at particular officers or incidents, but rather to the presence of police officers in general. Residents report feeling surveilled in combination with concerns about the possibility of eviction from their BHA apartment because of what some have called "zero tolerance" policies at the BHA[6].

When police are placed in a community with the goal of being highly visible in part with the expressed goal of inviting information from residents about possible problems in the community, it's understandable that anxiety develops. Some residents have reported feeling policed in their own homes. Residents have reported worrying that their neighbor could possibly suspect something is wrong if, for example, there are a series of loud arguments heard coming from their apartment. It's possible that the neighbor could mention that incident to the W&T officers triggering closer observation of that resident.

Due to the historical violence and oppression of Black, brown, and poor people by police, it has been reported that police officers can trigger anxiety in those communities and an impulse to avoid interaction with officers or act in a way that won't draw attention [see Appendix A, literature review for citations]. This is not necessarily due to a particular officer's actions, but rather to a person's understanding of and experience with the institution of policing in the United States. Other white BHA residents and Brookline residents in non-BHA neighborhoods largely do not feel this way. However, many Black people and people of color living in non-BHA communities in Brookline do report feeling anxiety and fear when officers drive past them or when they need to come in contact with an officer on the street working a construction detail, for example. Again, this is not due to the actions and behaviors of officers necessarily, but of those residents' experiences with and conceptions of the system and institution of policing.

In the survey conducted by the Committee on Police Reform, there were BHA residents that expressed satisfaction with the W&T program. There are also many that were not aware of the program. The benefits described by some BHA residents include the ability to directly call on an officer for help in an emergency - even in the middle of the night. The officers have on many occasions built meaningful relationships with some children and teenagers in BHA housing. But still others describe perceiving their children being targeted for questioning by police more than once about incidents unrelated to them. It is also true that some people have utilized the W&T program and have benefitted from having the officers there, but are still very uncomfortable with the arrangement. They needed help at some point and the only option available to them was a police officer. If a different social service or community service were available, that would have felt safer using that option [see interviews in Appendix N].

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[6]See BHA Handbook for resident policies https://b6a38b27-654a-4453-9edd-9ed1158a8b10.filesusr.com/ugd/d1ed85_59d4e9c140124c89893d071611273094.pdf

It is clear that the W&T officers enjoy their role and relationships in the community. They are passionate about their work and believe that they are doing good work in the community. It is also clear that this program is very beneficial to the BPD. It helps them do their job better by allowing them to keep tabs on situations, follow up with people after incidents in the BHA, have opportunity to try to build trust with Black and brown residents that may have negative views of police officers, share resources with residents, and receive information about possible needs in the community or problem areas. It also helps them paint a different picture of themselves as police officers.

From the perspective of the BHA, Matt Baronas (Asst. Director of the BHA and Director of Management since 1983), who has been in his position since before the beginning of the program, has stated that he believes the program is beneficial and that officers are kind and have good relationships with the residents. When asked about the origins of the W&T program and why it made sense to have police officers do the work of "helping residents thrive", as described earlier, or intervening in disputes between residents, mentoring children, and starting a basketball league instead of professional social service workers, he responded:

"That's a good question, a good observation, there is probably some truth to that. I can't speak for the BPD but it was partly to build a more positive relationship between police officers and our residents. I think that was a major part of the thinking, to create positive relationships, trust, but I think the program has evolved considerably and I think, in my experience, I look at the W&T officers similarly to what occurs with our other social service partners. Let's really put our heads together and what can we offer in these difficult situations, before they become problematic. I think some of it is our tenants are reaching out to the BPD repeatedly, complaining about a neighbor. Often we are also aware of those problems and the W&T officers are helpful." [See Appendix N for full interview]

When considering how to weigh the information we have received from residents about their experiences with the program, we cannot use a majority-wins measurement. The individuals that are expressing discomfort in their home with the W&T program and fear of speaking out about it may be in the minority, but their experiences are not less important than those that feel comfortable expressing their satisfaction with the program. While we estimate that their numbers are smaller than those in favor or of the program or indifferent, almost every person we spoke with that disliked the program was Black. We need to pay particular attention when the people who feel uncomfortable or unsafe are Black and brown residents whose population make up a small minority in Brookline. When those voices are drowned out, we uphold racist systems. The W&T program is a part of a public safety strategy; therefore, if some of the community feels unsafe *because of the program itself*, then the strategy is not providing public safety.

V. Recommendations

While the W&T program has many benefits to some residents and utilizes some very well trained and kind officers, as evidenced above, police officers, whether they are doing a drug raid or coaching a basketball team, are still a part of the larger oppressive and violent history of the institution of policing in America and perceived by many Black and brown residents as such. That is not a truth that can be avoided.

Racial bias exists in every one of us, but proves particularly problematic in police officers because they are given the power to detain people, to stop and question them, to fine them, to lay hands on their bodies, and to arrest them which can lead to traumatic experiences for them and their loved ones, financial debt, and incarceration. Police officers providing social services is a conflict of interest and creates a barrier to those resources for some residents.

The BPD has on many occasions proven to not have the ability to hear criticism, particularly around race, or to hold themselves accountable via the current policy for investigation of citizen complaints. In our Task Force meetings and in the subcommittee meetings there has been an inability on the officers' part to express knowledge of the historical effects of policing on Black, brown, and poor communities and to apply it to themselves. This lack of an anti-racist lens to examine individual BPD officers, policies, or programs historically and in the present supports the anxieties expressed by our Black and brown neighbors. If the BPD can't see the problems and acknowledge them, they can't fix the problems.

In closing, our conclusions are <u>not</u> based on whether or not individual officers are liked or disliked. We are examining the system and the environment the W&T program creates. The central question to our work is, "Are police officers the best or even the most logical professionals suited to providing social services and building personal relationships in a multi-racial housing authority?". The subcommittee's answer is no.

So we offer the following recommendations:

1. **In the short-term, develop an effective, comprehensive, and easily accessible website that provides access to currently available social services and other resources, and centralizes the advocacy and visioning work toward a new, community-driven public safety system.**
    - We envision the development of an accessible, centralized website to house the newly developed resources in addition to the collection of the work the Task Force has done over these past months. It will provide information and advocacy on community-driven public safety and will centralize the community's visioning work. The website and its resources will be publicized widely.

2. **Center the people most affected by public safety challenges in the process to develop an improved system of public safety. Continue the community engagement work that the subcommittee has begun which is outlined in the Community Engagement/Envisioning subcommittee report.**
    - Our work does not end here. This is only the beginning. Our conversations now need to shift from the subject of the W&T program to better understanding the challenges residents are experiencing, the opportunities already present, and the stakeholders that need to be centered in the conversation in order to envision new solutions and systems together.

3. **We recommend that the Walk & Talk program either be disbanded and replaced with a new system or slowly phased out as other services and supports are developed alongside the W&T program.**
    - Using the community input gathered in the conversations previously described, we develop a new way forward to improve our system of public safety for all residents

Vulnerable People and People in Crisis Subcommittee Report

I. Introduction

A. Mission

This sub-committee will examine the needs of Brookline residents who are vulnerable or in crises and to what extent those needs are being met or not met in Brookline. The committee will examine the work that other communities have done to meet the needs of people experiencing issues with mental health, substance abuse, and homelessness.[7] It will examine the interactions of the Brookline police with residents and visitors who have such needs, including both the positive and negative aspects, with a particular focus on interaction with BIPOC residents and visitors with such needs. The subcommittee will examine whether the needs of residents and visitors could be better met with a different set of responders of professionals.

B. Members

Almas Dossa, subcommittee co-chair
Anne Weaver, subcommittee co-chair
Alexander Weinstein

C. Initial Questions

What are the community-based services and support models for vulnerable people and people in crisis that currently exist in Brookline and what are the gaps that need to be addressed to strengthen community-based services and supports?

What crisis intervention services are currently being addressed by the BPD and how might community-based crisis intervention models enhance and /or replace the BPD crisis intervention services in order to better serve our community?

What crisis intervention services exist nationally and internationally and what crisis intervention models would best serve the Brookline community?

What community-based service models serving vulnerable people exist nationally and internationally and what, if any, of those models would best serve the Brookline community?

D. Research Process

This subcommittee started meeting on October 1, 2020, and has met weekly since then. To date we have had 15 meetings. Several members of the public have joined us for the meetings and have, on occasion, engaged in the discussions, provided feedback, and asked questions.

[7] The sub-committee voted to remove “domestic violence” from its scope on 11/19/20, and this change in scope was shared with the Reimagining Police Task Force, including the chair, on 11/20/20. We decided that the issue of domestic violence was significantly different from the other issues because there is significant public opinion that the other issues may not be best addressed through criminalization, while there is no such public opinion with regards to domestic violence.

1. Literature Review

The subcommittee reviewed dozens of national and international articles and websites, and attended two webinars, related to community supports and services. The focus of the literature review was existing programs which served people in crisis, including non-police crisis service programs, several housing program models, jail diversion models, and the Crisis Intervention Treatment BPD model. [See Appendix S for a full report on our research.]

We used this research to shape our interviews and our recommendation priorities.

2. Interviews

A. 10/29/2020: Annabel Lane, social worker with BPD (funded through the State Dept. of Mental Health) and Lt. Jennifer Paster, BPD. The interview focused on the BPD Crisis Intervention Team and its use in the community.
B. 11/5/2020: Ian Lang, executive director; Megan Smith, director of community services; and Heather Lykas, chief strategy officer; Brookline Center for Community Mental Health. The interview focused on services that the Center offers, successes and challenges, gaps in services for the Brookline community, and recommendations for services and alternatives to police interventions for crisis.
C. 12/21/2020: 30-minute telephone call between Anne Weaver and Asantewaa Boykin R.N MICN, Director of MH First, a mental health crisis response team based in Sacramento CA. The discussion focused on the services and supports offered by MH First to members of the community who requested support in crisis situations.
D. 01/07/2021: Tim Black, Director of Consulting, CAHOOTS, Eugene Oregon (Crisis Helping Out on the Streets). The interview focused on how the CAHOOTS model works, challenges and limitations of the CAHOOTS model, data on savings from the model, consulting process, gaps in services, and recommendations to enhance the model.

[See Appendix R for full interview notes.]

3. Task Force Community Survey responses

Data analysis from the 2020-2021Task Force Departmental Analysis subcommittee survey of 25,000 Brookline residents[8] showed that a significant percentage of survey respondents preferred community crisis workers to respond to non-violent crisis situations instead of police responders, except in domestic violence cases.

The report states:

> "In responding to someone experiencing a mental health crisis or is suicidal, 4% think the police should respond, **83%** think social service workers should respond and 12% think both should respond. In dealing with a homeless person, 5% think the police should respond, **88%** think a social service worker should respond, and 8% think both should respond. In dealing with a dispute among neighbors or a disorderly minor, 23% think police should respond, **64%** think a social service worker should respond, and 13% think both should respond. In dealing with a case of domestic violence or abuse, 42% think the police should respond, 26% think social service workers should respond, and 31% think both should respond. In most of these scenarios, particularly those that are noncriminal, the public overwhelmingly favors social service workers responding rather than police."
> (https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report p. 11, boldface added)

II. Recommendations

According to much of the research the sub-committee reviewed, including work by Alex Vitale,[9] El Sabawi & Caroll's 2020 article on crisis intervention model reform[10], and a Brookings Institution report on first responders' roles in mental health crisis support,[11] law enforcement officers should not be the primary responders for persons in mental health and substance abuse crises. Forging partnerships with the mental health community as well as adequately following up on crises, for example, may be challenging for law enforcement agencies. Law enforcement involvement is also known to exacerbate mental health and substance use concerns. Additions to a person's criminal record make it harder or impossible to find housing. Law enforcement use of force against persons of color has been documented to have a negative impact on the overall mental health of the community. Research has also shown that individuals experiencing non-criminal mental health and substance abuse crises do not want a police response.

As stated above, this subcommittee was charged with researching crisis service models and community-based service models in order to determine if these models were adequately serving the needs of vulnerable people in Brookline. We concluded that the current services and supports offered to vulnerable people in Brookline do not adequately meet the needs of our community [see Appendix C for a list of the current community services and programs] and we offer the following recommendations on modifying and/or replacing the current programs.

The subcommittee received strong support for this report and our recommendations during a public hearing on February 4th, 2021. Twenty-six public attendees came to the hearing, and 12 gave public comments. All of the public comments were favorable to this subcommittee's recommendations. [See Appendix V.]

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[8] See https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report for full survey data and analysis.

[9] Vitale, A. (2017). *The end of policing*. Verso Books.

[10] El-Sabawi, T., & Carroll, J. J. (2020). A model for defunding: An evidence-based statute for behavioral health crisis response. *Elon University Law Legal Studie*s, page 19. DOI: http://dx.doi.org/10.2139/ssrn.3683432

[11] Butler, S. M., & Sheriff, N. (2020). Innovative solutions to address the mental health crisis: Shifting away from police as first responders. Brookings Institution. https://www.brookings.edu/research/innovative-solutions-to-address-the-mental-health-crisis-shifting-away-from-police-as-first-responders/

A. Consult with CAHOOTS to Develop New Services

1. The CIT Program Is Not Evidence-Based

The Brookline Police Department is trained for mental health crisis calls through a program called CIT ("Crisis Intervention Team"). There is little to no evidence[12] that changes in officer skills or knowledge gained by CIT training predict desirable changes in call dispositions or use of force. Officer training, the backbone of the CIT model, generally includes education about mental illness, the causes, signs and symptoms, communications skills, and de-escalation skills. But again, there is currently no evidence that the CIT approach is effective at producing its desired outcomes.

In their 2020 law review of crisis model reform, El-Sabawi and Carroll wrote that "while there is ample evidence that CIT training is effective in increasing officer knowledge and confidence" when responding to a call involving a person with mental health issues, "whether [the officers] behaviors on the job subsequently change as a result of [CIT] training is largely unknown" (p. 19). Similarly, in an article reviewing police-citizen" encounters in Illinois involving persons in a mental health crisis, Gatens (2018) stated that "[A] lack of empirical research exists on the effectiveness of the specific components of CIT in achieving its goals and objectives… CIT is not presently considered an evidence-based program … by entities that compile evidence-based practices and programs" (p. 4).[13]

Finally, in a literature review of CIT practices and goal achievement, Rogers, McNiel, and Binder (2019) noted a number of unknown variables associated with determining CIT effectiveness, including location and insurance-specific variables, possible publication bias leading to a reduction of research showing a null effect or adverse cost increases associated with CIT, and comparisons with alternative models. Rogers et al. (2019) also observed that a person undergoing a mental health crisis is often also under the influence of recreational drugs or alcohol and that there is a well-established risk factor between persons who are intoxicated and increased police use of force.[14]

For these reasons, while CIT is an effective training program for police officers to learn how mental health issues can impact crisis interventions, there is no research at this time that would qualify it as an evidence-based model for police response with a person in mental health crisis, and there are reasons to be cautious on sending police officers as first responders.

Therefore, we believe that the current crisis model (BPD) needs to be replaced with a community-based crisis model. And that of the models we have researched, the CAHOOTS model, perhaps with some modifications, seems like the best fit for Brookline.

2. The CAHOOTS Model

Under the CAHOOTS model, 911 dispatchers send mental health-related issues to a CAHOOTS crisis support team instead of police. That team acts as first responders in those instances. This model offers a viable alternative to police for responding to mental health crises. CAHOOTS was established in Eugene, OR in 1989, making it one of the oldest non-police response programs in the country.

[12] The most recent research indicates that CIT has no effect on police behavior in the field. See: Taheri, S. A. (2016). Do crisis intervention teams reduce arrests and improve officer safety? A systematic review and meta-analysis. *Criminal Justice Policy Review, 27*(1), 76-96; and also Sei, C., Kim, B., & Kruis, N. E. (2021). Variation across police response models for handling encounters with people with mental illnesses: A systematic review and meta-analysis. *Journal of Criminal Justice, 72*, 1-14.

[13] Gatens, A. (2018). *Responding to individuals experiencing mental health crises: Police-involved programs*. Chicago, IL: Illinois Criminal Justice Information Authority, page 4.

[14] Rogers, M. S., McNiel, D. E., & Binder, R. L. (2019). Effectiveness of police crisis intervention training programs. *J Amer Acad Psychiatry Law, 47*(4), pages 1-8.

We interviewed Tim Black, the director of CAHOOTS's consulting program. [See Appendix A for full notes from our interview]. CAHOOTS was established in 1989 in Eugene, Oregon, and its model has been replicated in several towns and cities across the country. It is a non-profit organization which operates via a third-party contract provided by law enforcement.

CAHOOTS crisis support consists of two-person teams consisting of a medic (a nurse, paramedic, or EMT) and a crisis worker who has substantial training and experience in the mental health field. The CAHOOTS teams deal with a wide range of mental health related crises, including conflict resolution, wellness checks related to overdose, welfare checks, substance abuse, suicide threats, and more. The teams use trauma-informed de-escalation and harm reduction techniques during their work with a person in crisis. When the mobile team responds to a call, they provide immediate stabilization by addressing emergent medical or psychological concerns. They then assess the person to determine how best to assist them through providing information, making referrals to services, advocacy to resolve a concern, and if need be, transportation to a facility for more intense services. Non-police crisis response services must be carefully designed to avoid perpetuating old problems; CAHOOTS successfully avoids that problem.[15]

According to CAHOOTS, out of the approximately 24,000 calls that they responded to in 2019, police presence was only required during 250—or approximately 1%—of those calls (El-Sabawi & Carroll, 2020, p. 26). CAHOOTS staff are not law enforcement officers and do not carry weapons. Their training and experience are the tools they use to ensure a non-violent resolution of crisis situations. They receive 70-80 service calls per day in the Eugene, Oregon metro area (including the neighboring city of Springfield, Oregon). They call for police backup less than once a day.

CAHOOTS saves money by diverting people from EMS, the hospital system, and the criminal legal system (the costs of nights in jail, tickets, court time, etc.). Tim Black estimated that for every $1 spent on CAHOOTS, $5 goes back into the community. CAHOOTS also supports and uplifts small community organizations.

3. Recommendation for Consultation with CAHOOTS

We recommend a formal consultation with them to help us build something that works for our community. They have an existing consultation system. They do not simply replicate the same program in different cities and towns; they custom-build a unique program for each community, responding to our resources and needs.[16]

Not only does CAHOOTS provide consulting and strategic guidance to communities who seek to implement a similar model, it also assists advocates with writing grant proposals to cover costs of initial planning and implementation fees. Per discussion with TIm Black, the consultation fee can vary between $10,000 - $25,000.

To be clear, we are not currently proposing any reduction of the BPD budget in order to cover this program, nor are we recommending that the BPD CIT program be reduced, or eliminated. Indeed, it is critical that our police department be trained in crisis intervention and de-escalation techniques for times when police interventions are warranted. We will determine financial options for the CAHOOTS program through the consulting process.

[15] Article critiquing the NYC new crisis support program:

https://filtermag.org/nyc-new-non-police-mental-health-crisis-response-policing/amp/

Article on how Black and brown people in crisis are not always best served by ER hospital care: https://www.themarshallproject.org/2020/11/08/when-going-to-the-hospital-is-just-as-bad-as-jail?fbclid=IwAR3RNt1k2e5e87GXhiBdvWAE0wZw8iRoyqA2mwLZdTrZ2Janbdip7XaBoas

[16] The town of Rochester, New York, is currently consulting with CAHOOTS. https://www.rochestercitynewspaper.com/rochester/bill-would-put-rochester-in-cahoots-with-oregons-white-bird-clinic/Content?oid=12573043; https://www.wxxinews.org/post/city-council-approves-consulting-contract-cahoots-operator.

As with the development and staffing of new community-based services and supports listed below (Recommendation B), the hiring requirements for this new Brookline crisis intervention team should not necessarily be based on the prospective employee's educational background, but instead on their prior experiences and training in person-centered, trauma-informed, and harm reduction methods of care. Shared lived experience and personal connections with the community being served can sometimes be a more important job qualification than how many undergraduate and graduate degrees a job candidate may have. Thus it would be important to consider many factors when hiring for these positions in order to best serve and support the people in our community receiving these services.

B. Implement Additional Pre-Crisis Services

As mentioned above, our interviews with the Brookline Police Dept CIT and the Brookline Center for Community Mental Health indicated the need for increased and community-based pre-crisis services in order to better serve vulnerable people in our community and reduce crisis calls.

There are several existing community-based resources on these issues available in Brookline. These include the Brookline Center for Community Mental Health, the Brookline Health Department resource page, Step by Step Supportive Services, Alternatives to calling Police/Boston Resources by Mutual Aid Medford and Somerville, The A.C.E. Collectives (Alternatives to Calling 911), and the Massachusetts Housing and Shelter Alliance.

Although many of the above services exist in and around the Brookline area, none of them serve to prevent crises. [See Appendix C for more details and links to these services.] During our interview on November 11, 2020 ,the Brookline Center for Community Mental Health noted gaps in these services and outlined the need for several of the following services, which do not currently exist in Brookline. These services should address the underlying issues at play, including safe housing, quality education, access to health care, and other basic human rights.

<u>1. Pre-Crisis Services</u>

We need more social services to assist people in order to *prevent* crisis, and to support people who might be struggling with isolation, homelessness, and/or substance use.

Such services might include:

- Peer support specialists:
    - This includes a number of services designed to support people with mental illness or substance abuse issues. Peer support services are provided by trained specialists with "lived experience," who use that experience to build relationships of trust with people and provide needed support.
- Case managers who connect people with support systems
    - Case managers can help people apply to welfare systems like food stamps, get them in touch with counseling and victim services, provide transportation to appointments, etc.
- Mobile treatment teams
    - This enables staff to reach out to people where they are and not require people to visit a physical location in order to receive help.
- Community drop-in center

    - A place open during the day where people who are struggling with mental health issues, homelessness, or substance use, can go and receive peer support. This can help prevent isolation and help people build skills.
- Housing specialists / Supported housing
    - Supported housing is a comprehensive set of services including a housing subsidy and social support for being a successful tenant. It allows people with serious mental illness or substance abuse issues to live in their own apartments and homes within their community. Tenancy rights should not be conditioned on participation in treatment or compliance with any other criteria.
- Employment specialists
- Expansion of service capacity and language capacity at the Brookline Center

2. Follow-Up Services

We also need more social services to provide appropriate follow-up and support people after a crisis occurs.

Such services might include:
- Mobile crisis services (i.e., the CAHOOTS model)
    - Mobile crisis services are typically provided by teams of professionals trained to de-escalate individuals in crises.
- Community support bridging
    - A case manager, often a peer, dedicated to helping people find stable footing after a crisis.
- Same-day crisis therapy appointments that are available with a phone call
- Community-based embedded teams to provide services outside the building
- CAHOOTS suggested further possibilities:
    - Low-barrier shelter, and a variety of shelter options
    - Addiction services
    - Crisis respite

C. Publicize Existing Social Services

Brookline already has several existing social services. [See Appendix C for a list of services.] It is difficult, however, to find out what services are available unless you already know what you're looking for. People who are in the midst of a crisis may have a particularly difficult time doing the research necessary to find help.

We should increase access to these services by publicizing them. There should be a single web page, easy to find on the town website, which lists these services and their contact information. The town should also invest in periodically advertising these services and providing public education so that people know to look for them.

D. Form a Social Services Department in Brookline That Would Implement Recommendations A, B, and C

The lack of a social service agency in Brookline is a gaping hole in our government. The Town has a Health Department, but nothing which oversees social services. We have an opportunity to build a new department that would both develop and oversee the community-based services and supports in Brookline.

A Social Services Department would coordinate existing services, partner with agencies to enable communication across organizations, and not only get to the root of social issues, but also create and execute policies which support our community. The department would connect people who work with public housing and mental health; it would work with fire and building departments to make sure people are living in safe housing; it would work with the School Department and with the Brookline Housing Authority to create community-based services and supports that serve the needs of Brookline students and BHA residents.

This final recommendation could serve as the means to implement our previous three recommendations. A Social Services Department would partner with the Town health department, the Brookline Center for Community Mental Health, and the police to create the CAHOOTS program. In addition, it would implement new pre-crisis social services and educate the public about both new and existing social services.

Brookline Forward

The Task Force proposes the creation of a new social service department in Brookline. It will address gaps in our social safety net that are currently being addressed through policing. The focus of this department would be to address the symptoms as well as the root causes of the inequities outlined below. The name Brookline Forward is a placeholder.

Brookline Forward will provide residents with the support they need to thrive. A new, innovative department of the Town of Brookline, Brookline Forward will partner with the Brookline Housing Authority, Public Schools of Brookline, Brookline Senior Center and local social service agencies to deliver timely, critical services, while conducting research, analyzing data, and implementing programs designed to counteract economic, health, and other inequities deeply rooted in racism, sexism, ageism, and other forms of oppression.

Brookline Forward will bring together existing offices under one umbrella including the:

- Office of Diversity, Inclusion & Community Relations;
- Council on Aging; and
- Office of Veterans' Services.

While establishing new offices including:

- Youth & Family Services;
- Community-Based Crisis Response;
- Immigrant & Refugee Services; and
- Economic Equity.

Brookline Forward will also provide staff support for the:

- Domestic Violence Roundtable;
- Commission for Women;
- Brookline Commission on Disability; and
- a new council on LGBTQIA+ Inclusion.

Brookline Forward will also partner with other Town departments as necessary to meet community needs. This includes working with Health & Human Services to develop a mental health incident response team, with the Building and Fire Departments to ensure residents are living in safe housing, and with the Police Department on diversion efforts for youth.

Brookline Forward will be funded by municipal dollars, including funds shifted from the Police Department, as well as local, state, and federal grants.

In addition to existing personnel, new staff at inception may include one administrative and three professional staff members as well as a new Commissioner to lead the department.

Appendices

Appendix A: Task Force Charge

The Task Force to Reimagine Policing in Brookline will explore and recommend new approaches to public safety and policing in Brookline. The Task Force will utilize a data-informed approach to interrogate our current model and provide a distinctly alternative approach to public safety.

The Task Force will:

- Seek to understand our current approach to public safety
- Seek to understand how certain populations (including, but not limited to, Black, Indigenous, People of Color, Women & LGBTQ+ people) experience policing in Brookline
- Explore alternative models of public safety in the US and abroad
- Conceptualize new models of public safety that have yet to be imagined
- Consider which police functions are better suited for other departments
- Solicit public feedback and ideas through robust community engagement
- Make recommendations for meaningful changes that can be enacted by the Select Board, Town Meeting, School Committee, or other relevant bodies
- Make legislative recommendations to our state and congressional representatives
  Other tasks may be determined by Task Force members and community input.

Membership

Voting Members: Voting members shall consist of Select Board Member Raul Fernandez (who will serve as Task Force Chair), Advisory Committee Chair Mike Sandman, and nine Brookline residents committed to reforming and reimagining Brookline's model of public safety, at least half of whom are people from communities disproportionately impacted by policing (including Black, Indigenous, People of Color, Women, and LGBTQ+ people).

Staff Members: The following Town staff or their designee shall serve as non-voting members: Chief of Police, Chief Diversity Officer, Human Resources Director, Town Administrator, and Town Counsel.

As Needed Staff and Outside Consultants: The Task Force shall consult with outside consultants or other Town staff or their designees, as needed, including the Fire Chief; Health and Human Services Director; Transportation Administrator; School Superintendent; Executive Director of the Community Mental Health Center; Brookline Housing Authority Director, representative of the Courts; the Norfolk County District Attorney; Police Department social worker, School Department social worker, teachers, academic researchers, or other appropriate persons.

Community Consultants: Task Force Chair Fernandez shall identify no more than ten residents to serve as non-voting community consultants. They shall be chosen from among those who submitted Task Force applications but were not selected, and shall possess an openness to reimagining Brookline's model of public safety. At least half will be people from communities disproportionately impacted by policing. The Task Force shall schedule public meetings to hear and discuss ideas, suggestions, and criticisms with these community consultants, in addition to forums that are open to all members of the public.

Approximate Timeline

July 21, 2020
Approval of Task Force charge.

August 11, 2020
Appointment of Task Force members.

October 15, 2020
Interim recommendations including FY21 budget and policy adjustments and list of any actions taken by the Select Board pursuant to recommendations of the Task Force.

February 1, 2021
Final Task Force recommendations, including FY22 warrant articles and budget considerations for Annual Town Meeting.

The Task Force may also submit recommendations to the Select Board at any time.

Appendix B: Survey Instrument

Brookline Police Survey

Start of Block: consent

Q1 I am a researcher from Tufts University, in Massachusetts. I am conducting a research study to learn more about your experiences with and views towards the local police. This survey will ask you some questions for my research. It will take approximately 10 to 15 minutes of your time.

You must be 18 years of age or older to participate in this survey.

It's your decision, and there are no consequences to saying no. I don't anticipate any major risks to participation, but you may feel uncomfortable answering some questions. If at any time during the survey you want to stop participating, you are free to end your participation by closing the survey on your computer or device.

You will not receive any compensation for completing the survey. Your responses may be used in publications or presentations. I will not possess nor share identifiable information about you. Below you can find my contact information and the contact information of the research oversight board at Tufts, the Tufts SBER IRB, if you need to get in touch about this research at any point in the future.

For questions or concerns about the research study or procedures, or if you need to notify someone of a complaint, please contact the researcher:

Name: Brian Schaffner
Tufts University Department or School: Tisch College
Email: brian.schaffner@tufts.edu
Phone Number: 617.627.3467

If you have questions or concerns about your rights as a research participant, or if you would like to discuss the study with someone outside of the research team, contact the Tufts SBER IRB:

Tufts University
Social Behavioral & Educational Research
Institutional Review Board (SBER IRB)
75 Kneeland Street, 6th Floor | Boston, MA 02111
Telephone: 617-627-8804
Email: sber@tufts.edu
Website: http://viceprovost.tufts.edu/sberirb/

By clicking the box below, you agree to participate in this study.

○ I agree to participate (1)

What is your year of birth?

_____

What is the highest level of school you have completed or the highest degree you have received?

○ Less than high school degree (1)

○ High school graduate (high school diploma or equivalent including GED) (2)

○ Some college but no degree (3)

○ Associate degree in college (2-year) (4)

○ Bachelor's degree in college (4-year) (5)

○ Master's degree (6)

○ Doctoral degree (7)

○ Professional degree (JD, MD) (8)

Which category or categories best describe you. Select all that apply.

☐ White (1)

☐ Hispanic, Latino/Latinx, or Spanish origin (2)

☐ Black or African American (3)

☐ Native American/American Indian/Indigenous or Alaska Native (4)

☐ Asian (5)

☐ Native Hawaiian or Pacific Islander (6)

☐ Middle Eastern or North African (7)

☐ Another race, ethnicity, or origin: (8)

_____

What is your gender?

○ Man (1)

○ Woman (2)

○ Other (3)

Are you the parent or guardian of any children under the age of 18?

○ Yes (1)

○ No (2)

Display This Question:

If parent = 1

Are you the parent or guardian of a child currently enrolled in school?

○ Yes (1)

○ No (2)

Are you registered to vote?

- ○ Yes (1)
- ○ No (2)
- ○ Not sure (3)

How satisfied are you with the job the Brookline police department does?

- ○ Very satisfied (1)
- ○ Somewhat satisfied (2)
- ○ Neither satisfied nor dissatisfied (3)
- ○ Somewhat dissatisfied (4)
- ○ Very dissatisfied (5)

Have you ever had any negative interactions with the Brookline Police?

- ○ Yes (1)
- ○ No (2)

Have you ever had any positive interactions with the Brookline Police?

- ○ Yes (1)
- ○ No (2)

Display This Question:

If Q10 = 1

Please describe the most negative experience you have had with the Brookline Police Department:

_____

_____

_____

_____

_____

Display This Question:

If Q11 = 1

Please describe the most positive experience you have had with the Brookline Police Department:

_____

_____

_____

_____

_____

How many times in the past 12 months have you interacted informally with a Brookline Police officer regarding something other than criminal activity?

▼ None (1) ... Ten or more times (11)

How many times in the past 12 months have you contacted the Brookline Police Department to report suspicious or criminal activity?

▼ None (1) ... Ten or more times (11)

Q19 Have you ever felt discriminated against by the Brookline police because of your...?

	Yes (1)	No (2)	Not sure (3)
Race or ethnicity (1)	○	○	○
Gender (2)	○	○	○
Sexuality (3)	○	○	○
Economic status (4)	○	○	○
Religion (5)	○	○	○
Ability to speak English (6)	○	○	○

Q20 Has language ever been a barrier to your communication with local law enforcement?

○ Yes (1)

○ No (2)

Display This Question:

If Q10 = 1

Or Q11 = 1

Have Brookline police officers ever...? (Select all that apply)

- ☐ Struck you or restrained you with a baton (1)
- ☐ Handcuffed you (2)
- ☐ Tasered you (3)
- ☐ Pointed a gun at you (4)
- ☐ Restrained you on the back of a car (5)
- ☐ Pushed you to the ground (6)
- ☐ Used tear gas on you (7)
- ☐ Searched your car or residence without your permission (9)
- ☐ ⊗ None of these (8)

Has a family member or friend of yours ever had a negative experience with the Brookline Police?

- ○ Yes (1)
- ○ No (2)
- ○ Not sure (3)

Thinking now about your oldest child under the age of 18, how comfortable would you say they are with the police?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)
- ○ Somewhat uncomfortable (4)
- ○ Very uncomfortable (5)

Are law enforcement officers stationed at your child's school?

- ○ Yes (1)
- ○ No (2)
- ○ Not sure (3)

Display This Question:

If Q24 = 1

Does having law enforcement officers stationed at your child's school make you feel...?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)

○ Somewhat uncomfortable (4)

○ Very uncomfortable (5)

Has your child ever been involved in a disciplinary action at school involving a police officer?

○ Yes (1)

○ No (2)

○ Not sure (3)

Display This Question:

If Q25 = 1

Please describe this experience:

_____

_____

_____

_____

_____

Do the Brookline police make you feel...?

○ Mostly safe (1)

○ Somewhat safe (2)

○ Somewhat unsafe (3)

○ Mostly unsafe (4)

If you needed help, how comfortable would you feel calling the police?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)
- ○ Somewhat uncomfortable (4)
- ○ Very uncomfortable (5)

If you had a negative experience with a Brookline police officer, would you know how to file a complaint against that officer?

- ○ Yes (1)
- ○ No (2)

If you had a negative experience with a Brookline police officer, how comfortable would you feel filing a complaint against that officer?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)
- ○ Somewhat uncomfortable (4)
- ○ Very uncomfortable (5)

How often would you say that you worry about being the victim of police brutality?

- ○ Very often (1)
- ○ Somewhat often (2)
- ○ Not too often (3)
- ○ Never (4)

Do you believe the Brookline Police equitably serve the interest of all people, regardless of race, ethnicity, religion, gender, citizenship status or class?

- ○ Yes (1)
- ○ No (2)

How do you think the Brookline Police treat the following groups:

	Very fairly (1)	Somewhat fairly (2)	Somewhat unfairly (3)	Very unfairly (4)
White residents (1)	○	○	○	○
Black residents (2)	○	○	○	○
Hispanic residents (3)	○	○	○	○
Asian residents (4)	○	○	○	○

How effective are the Brookline Police at...

	Extremely effective (1)	Somewhat effective (2)	Somewhat ineffective (3)	Very ineffective (4)	Not sure (5)
Ensuring public safety (1)	○	○	○	○	○
Fighting crime (2)	○	○	○	○	○
Making residents feel safe (3)	○	○	○	○	○
Holding police officers accountable (4)	○	○	○	○	○
Developing relationships with members of the community (5)	○	○	○	○	○

Which of the following police tactics and weaponry do you believe Brookline police should be allowed to use to ensure public safety? (Check all that apply)

☐ Pepper spray (2)

- ☐ Physical strength (hand control) (3)
- ☐ Choke holds (4)
- ☐ Impact weapons (batons) (5)
- ☐ Tear gas (6)
- ☐ Tasers (7)
- ☐ Restraint devices (handcuffs or zip ties) (8)
- ☐ K-9 Dog bite-and-hold (9)
- ☐ Beanbag munitions (rubber bullets) (11)
- ☐ Firearms (12)
- ☒ None of these (13)

Listed below are reforms that have been proposed to reduce police interactions that result in the use of deadly force. How effective do you believe each of these would be at reducing or eliminating deadly interactions?

	Very effective (1)	Somewhat effective (2)	Somewhat ineffective (3)	Very ineffective (4)	Not sure (5)
Having police officers attend trainings on how to de-escalate conflicts (1)	○	○	○	○	○
Having police officers wear body cameras to record	○	○	○	○	○

officer activities (2)					
Educating police officers on the history of police departments (3)	○	○	○	○	○
Ending the Department of Defense program that sends surplus military weapons and equipment to police departments (4)	○	○	○	○	○
Banning the use of chokeholds (5)	○	○	○	○	○
Diversifying the police department (6)	○	○	○	○	○
Having police officers attend trainings on racial bias (7)	○	○	○	○	○
Reduce funding to the police department by at least 10% (8)	○	○	○	○	○

Abolish the police department (9)	○	○	○	○	○

In given situations, it is possible to have either police or social service workers (such as social workers, medics, or mental health professionals) respond. For each of the following situations, please indicate whether you think it would be better for the police or social service workers to respond?

	The police (1)	Social service workers (2)	Not sure (3)
Individuals who are intoxicated or have overdosed (1)	☐	☐	☐
Armed individuals (2)	☐	☐	☐
Individuals experiencing mental health crises or who are suicidal (3)	☐	☐	☐
Homeless individuals (4)	☐	☐	☐
Neighbor disputes and disorderly kids or truants (5)	☐	☐	☐
Robberies or instances of theft (6)	☐	☐	☐
Domestic violence and abuse (7)	☐	☐	☐

Some communities have Civilian Review Boards which are made up of residents. These boards review the actions of police and hear complaints from residents about police behavior. Do you think Brookline should have a Civilian Review Board?

○ Yes (1)

○ No (2)

○ Not sure (3)

If Brookline did create a Civilian Review Board, which of the following powers do you think that board should have? (Select all that apply)

☐ The power to hire police officers (1)

☐ The power to fire police officers (2)

☐ The power to set policies for policing (Ex: What should the use of force look like?) (3)

☐ The power to set priorities for policing (Ex: Should the homeless be criminalized or should officers help in connecting them to housing?) (4)

☐ The power to Investigate all police shootings (5)

☐ The power to investigate allegations of excessive force and abuse (6)

☐ The power to pass judgement on the disciplinary process against officers in violation of policies or law (7)

☐ The power to negotiate police contracts (8)

☐ ⊗ None of these (9)

Brookline currently spends more than $17 million on the police department, which is approximately 5.6% of the entire Brookline city budget. Do you think funding for the Brookline Police Department should be...?

○ Greatly increased (1)

○ Somewhat increased (2)

○ Kept the same (3)

○ Somewhat decreased (4)

○ Greatly decreased (5)

Which of the following would you support in order to ensure public transparency into the operations of the Brookline Police Department? (Select all that apply).

▢ Making public the details of the department's internal process in addressing violations of conduct and crimes committed by officers (1)

▢ Making public a list of all complaints against Brookline police officers and any disciplinary actions taken in response to those complaints (2)

▢ Making public a list of all lethal and non-lethal weapons carried by each patrol unit (3)

▢ Including community members in the investigation process of police misconduct (4)

▢ ⊗ None of these (5)

Finally, do you have anything else you would like to share with us regarding your views on policing?

_____

_____

_____

_____

_____

This survey is sponsored by the Brookline Select Board's Task Force to Reimagine Policing. If you have questions or concerns, you may email Selectboard member and Taskforce chair Raul Fernandez at rfernandez@brooklinema.gov or subcommittee chair Eitan Hersh at eitan.hersh@tufts.edu

Appendix C: Raw Survey Data

Survey data is available at the following link here.

Appendix D: Resources and Materials from the BPD

- Brookline Police Department Website
- Brookline Police Department Commendations & Complaints Brochure
- Brookline Police Department 2016 Final Letter on Racial Diversity, Outreach, and Organizational Culture
- Brookline Police Department 2017 Police Complaint Procedures Review
- Brookline Police Department 2017 Year End Review
- Brookline Police Department 2018 Year End Racial Disparities Report
- Citizen Complaint Process Overview
- Citizen Complaint Online Form
- Racial Profiling Prevention and Diversity Training Overview
- Recommended Changes to the Police Complaint Policy

Appendix E: Draft Interview Protocol for Trust-Building Conversations

- Table setting questions, such as “What are your views on what public safety means for Brookline? For your family?

- What kind of services do you think there should be to ensure public safety generally in Brookline? For your family?

- Do you see the way that you think about public safety reflected in the choices the Town is making?

- Do you see the way you think about public safety reflected in the public safety choices and solutions available to you?

- To what degree would you say you have a voice in creating or informing the Town’s current public safety strategies?

- Do the Town’s current public safety initiatives draw on information and expertise from community voices and community leaders that are important to you?

    - If no, who are those community voices and leaders? What insight and expertise do you think the Town is missing out on?
    - If yes, can you provide some examples of how their expertise and insight is informing the Town’s work in public safety?

- Do you perceive any barriers to participation in conversations about policing and public safety?

- Do you have recommendations for ways the Town can continue to collect data about policing and public safety?

- Are there Town-community collaborations for public safety (with or without police) that you are aware of?

    - If yes, do you believe that they are effective? Why or why not?
    - If no, are there collaborations that you think should be started?
    - If no, are there collaborations that *used to exist* that you think should be resumed?

- Thinking about the places where you think change needs to happen, what pieces would need to be in place for you to believe that the town was serious about making those changes?

- What else don’t we know about how you experience policing and public safety that we should know?

Appendix F: Interview recordings, statements, and transcriptions

Going Small Conversation Notes & Highlights

Conversation 1 - Black Femme Brookline Resdient

Why were you compelled to reach out to us about the survey?

Watches Townwide page on FB

- Expected Brookline to be a more understanding community about minority experiences. However, what is posted on the FB page doesn't always reflect that shared understanding/experience.
- Sees lots of great activism and meaningful work as well.
- Lots of people need to hear individual experiences in order to relate to it. You can read all the newspaper articles you want, but until someone shares their experiences and perspective - it's easy to block out.

Personal stories: (all within the last year and a half)

1. Brookline officer monitoring construction site. Crosswalk blocked off and an officer was standing where people would normally cross. Her anxiety was enough to motivate her to walk entirely around the block rather than do what most people did, which was jaywalk in front of the officer.
    - Fear and anxiety about interacting with the police officer
    - This was in contrast to her white partner who didn't hesitate with the officer
    - She has never had a good interaction with police
2. Older Black man was stopped in his car on the corner across from Trader Joe's in Brookline. He was being accused of stealing from a store.
    - She stopped to be present and watch as a bystander, even though she felt that as a Black person she may not be as helpful as a white person in this situation.
    - Quickly the officers called more and more officers to help with this man (the man in the car looked to be around 60, not doing anything "disrespectful" - didn't seem to be a threat in any way)
    - 6 officers standing around this man accusing him of theft
    - Quickly became harassment - "how could it be anything other than intimidation to surround this one man (a minority) with that many officers and question him"
    - There are protocols in place for this scenario that the officers did not do (ask a few questions and ask him to come voluntarily to the station).
    - Because they hadn't done any of those things, it became clear that they didn't have proof that this man committed a crime and were really just being intimidating and hoping to catch him in the act of something else.
3. May or June - heard car horns outside her apartment. Saw 4 police cars, several residents outside, an EMT truck, and a Black man and a Black woman (lots of blood on her face) in a car being questioned by police.

- Stood by again to act as a witness
- Other people assumed the situation might be a domestic violence (DV) incident that caused an accident - woman covered in blood, man not bloody but very upset
- She feared for the man, but thought DV was unlikely because police let the couple stand close to each other - police took statement, woman got in EMT truck
- She stayed to remind the man that he can remain silent if he does get arrested
- 5 police cars
- Everyone left the man alone (EMT took woman) and he found that he was locked out of his car
- Turns out man/woman got in accident and she hit her head (not dv)
- Police left without assisting him - He was now locked out of car - no one waited to see if he was ok, offered no medical assistance, no one made sure he could drive or that his car was safe to drive.
- Demonstrated why we need other services. Better trained people wouldn't have left him there after that traumatizing situation. Others services would have been beneficial.
- Her takeaway
    - While this was not an egregious offense, if police are truly community servants, why didn't they offer to drive him home or stay around to make sure he drove off safely, etc.?
    - Shows how pointless some police services are.

- **Do you have a vision of what you think public safety should be? Do you see that reflected in the choices the Town is making?**
    - She thinks about "Circle Justice" a lot, which is an alternative to child services
        - It's a community- based group of people whose first interest is the community, not their bonus or quotas or the gov't (this can really depend on your community - can be challenging)
        - The person affected picks the people in the circle so its a safe space
        - People are brought together in this way from the community to act as moderator, emotional support person, etc.
        - This is what social workers are for - to assist people when other resources fail - provide council and
        - Also many social workers feel more similar to police than this vision
    - What's needed is a sort of bookkeeper of resources that can provide the emotional support needed before a person is connected to those resources.
    - There's a lot of mending - we need to tear down the system and start from scratch. It will never be functional until there is a lot of healing in the community.

Personal Story

** "I will never be able to have a good relationship with police officers because the relationship and the history is too deep already" **

** “Growing up, my peers and I were so used to going to the police station to introduce ourselves to the police officers in our communities so that they would know who we were so we wouldn’t need to interact with them spontaneously in situations. There was constantly this idea that you have to get to know them before they can decide who you are in a moment. I’ve lived in MA for 8 years and every community that I live in I go introduce myself.”

- I’d call my friend who is a firefighter before I called the police.
- COVID 9pm curfew - She works until 9pm daily and wasn’t getting enough exercise. She was afraid of walking on her own on the street after curfew and getting in trouble or accused of doing something criminal or inappropriate
- She strictly adheres to COVID restrictions more than others because if there were anyone who would get in trouble, it would be her more than others.
- “There’s so much Black and Brown people do in communities to make themselves feel safe and then they are constantly surrounded by stimulus that tells them that they are not safe no matter what they do”
- “Even if an officer was working in a positive way in partnership with the housing authority and providing social services, I would not be comfortable using that service. I don’t think I could not trust it. I would not sign-up or use those resources.”

- **Do you see the way you think about public safety reflected in the public safety choices and solutions available to you?**
    - Yes and no - i disagree with what people are proposing relating to reforming the system rather than rethinking the system.
    - In Brookline we are appropriately policed. Not like Forest Hills or Dorchester
    - People here are more involved and community oriented
    - We are appropriately policed
    - Comes from the demographic of Brookline - only knows 1 other Black person here.
    - Brookline is out of touch with what a typical experience with police is

- **To what degree would you say you have a voice in creating or informing the Town’s current public safety strategies?**
    - I think there is a lot of opportunity - I feel like I could but I’m fearful of the reaction of the community
    - Option is there and space is given for people that look like me to get involved, but it’s not set up in a way that makes it comfortable for me to seak up with an opinion.
    - “I don’t put my BLM sign in my window because it feels too dangerous - because of things that are written and comments that are made (FB Townwide) I am not putting that on my window.”

** “Ironic that the public library is across the street from the police station - library should be a place of exploration and safety - If I were a Black teenager in Brookline, I would not be hanging outside by the library - feels like too much of an opportunity to get into trouble.” **

- **Do the Town’s current public safety initiatives draw on information and expertise from community voices and community leaders that are important to you?**
    - **If no, who are those community voices and leaders? What insight and expertise do you think the Town is missing out on?**
        - The community I would like to hear from doesn’t live in Brookline. There are very few voices of color

- **Do you perceive any barriers to participation in conversations about policing and public safety?**
    - “Yes, there’s a danger in openly stating my opinion”

- **Do you have recommendations for ways the Town can continue to collect data about policing and public safety?**
    - Issues with our survey
        - Similar to why people don’t fill out the census
        - Packaging - she would of thrown it away
        - If she were an immigrant or more barriers I wouldn’t of filled it out - looks like the government - doesn’t look like it’s coming from people who want to support her
    - How to improve the survey
        - Be in the community setting up shop
        - Have people in housing getting their neighbors to fill it out
        - Get the survey in businesses by the door
        - Needs to feel safer to fill out.

- **Are there Town-community collaborations for public safety (with or without police) that you are aware of?**
        - no

    - **If no, are there collaborations that you think should be started?**
        - It all falls on the training - Collaboration should have a Black/Brown organization that does trainings for these services
            - Levels of trainings - mental health
            - Interactions with Black/brown people
            - How to approach people
    - **If no, are there collaborations that *used to exist* that you think should be resumed?**
            - n/a

- **Thinking about the places where you think change needs to happen, what pieces would need to be in place for you to believe that the town was serious about making those changes?**
    - Putting their money where their mouth is - not just for show
    - Need to see buy-in from people she respects - professors, professionals (mental health, community leaders outside of systems of oppression)
    - Police budget is astronomical for how little they need to do in Brookline
    - Some of that money put into community efforts

- **What else don't we know about how you experience policing and public safety that we should know?**

    - As we do this work, we need to keep in mind the history. That's the first step in correcting the history
    - Acknowledgement of the Black/Brown folks in the community. Without reconciliation with acknowledgement of harm - I don't know how we can move forward.
    - If the Town and the BPD acknowledged even once that the history of policing has been detrimental. Because that hasn't happened there is so much left to do to create a new system or create a new one.

Conversation 2 - Local advocacy group for racial justice and equity

We must imagine (and strive for) a world with less punitive, more caring alternatives to our current public safety system (for example, a world with accessible, affordable healthcare; housing for all; high quality, free higher public education, etc.)

As the history of policing illustrates, it is a system of racial and class oppression. Regardless of if those are the explicit intentions of individual officers or departments, the institutional imperatives within policing manifest racial and class discrimination.Public safety has to encapsulate people's broader and economic and social needs. That's among the reasons that ideas such as expanding the vision of public safety to include things like youth programs is so appealing. It's more than keeping people from breaking into banks. It needs to be more holistic.

It is telling that the first opportunity to sit down with someone to talk about visions of public safety comes through this task force. Folks are not talking to one another. The public needs to be involved in defining what public safety looks like and it's not clear that has been happening in the Town's departments.

Front-line mental health and in domestic violence situations are ones where the solutions available in the town aren't full enough. But the solution can't be adding roles such as social workers and housing counselors to the police budget and payroll. If there is money to hire a social worker then that person should be doing work more upstream than just with policing where whatever expertise they have is primarily reactive. If we are truly interested in stopping domestic and sexual violence, are we doing anything within the education system to teach about healthy relationships? The public health department also does a good job of public education.

We need to consider models that allow us to provide social services and social supports completely outside of the police department and the armed agents of law enforcement. Food security is a huge issue in the Town of Brookline. We have to address things like that as fundamental issues -- the causes of despair -- as a way of thinking about addressing the causes of crime. However, we see little to no substantive action when it comes to providing/funding community supports. For example, the Town hasn't built a domestic violence shelter.

There is a difference between having a resource out there like the task force or even the Town's CDICR and actually having people in the community know that they are welcome and invited and have people reaching out to them. Even for someone who is really tapped in and is really involved, it is hard to keep up. There need to be multiple avenues for people to have their voices heard.

Unless people are making themselves clear as allies and having open conversation and show themselves as accepting of constructive criticism, it is really intimidating to offer any feedback around public safety in the Town.

It does not feel like anyone who has even a minor critique of the police or public safety system can have a voice given the *immediate* counter of that perspective by members of the Select Board. Town governance needs to include the voices of people who have been on the receiving end of policing.

Right now, the Town is not drawing on all the community leaders that they could in thinking about public safety. For example, Steps to Success contains students, young people, and people who grew up in public housing and their perspectives are not being included authentically. It is also important to tap both the experience of organizations such as Brookline Mental Health as well as those with lived experience of how policing and mental health are currently connected. It's not just input; it is *expertise*. The organizers of the summer 2020 demonstrations are the people whose input we also need to seek. This is the way for us to get beyond the limited perspectives that we have access to via Town government. If we are serious about community engagement, we must make it accessible for working class/lower-income people to run for and serve in elected office.

Recording meetings online can be scary for people. The ability to offer anonymous feedback online is important. But the problem might not just be the channels to provide input. People know how to file complaints and might at times be willing, but it may be that they are concerned that their concerns are going to end up in a drawer. It is important to provide consistent updates to the community on findings so that the community feels like their input is being heard and reflected back. It is necessary to have a formal space to share complaints, but it might also help improve and normalize the process of sharing feedback and complaints if there were an ombuds type of space.

More and better examples of community policing and police partnerships should not be the goal. If you were to ask organizations such as ACE, METCO, or AALS that work with students who can be directly impacted by contact with the police what types of resources are needed to support them, what kinds of job descriptions and titles would emerge?

For the Town to convey that it is interested in change that improves public safety, budget shifts need to occur. Really thorough communication to the community is also needed as well as indicating ways that the community can give ongoing feedback.

Conversation 3 - Local advocacy group for racial justice and equity

The Town does not have a representative vision of public safety because it is missing a planning model of any significance. This has the *intended* consequence of allowing an un-public safety system to flourish. There are no planning tools that involve people who most come in contact with the criminal justice system. Public safety is an institution that hires people with a very narrow mission and set of perspectives. There is no model in the planning process that specifies how the concerns of people of color will be included. If you are genuinely interested in a vision of public safety then you have to ask if people feel safe. The choices that the Town makes in public safety are about making White people feel safe. Public safety should include access to food and shelter. When making budget trade-offs between Town spending on policing resources versus spending on things like food security and the Town chooses the spending on policing then our priorities are not reflected.

It does not feel like there was an opportunity to have voices and perspectives listened to before the task force. There is a climate of fear. Who is going to go talk about public safety with the police department in Brookline? Things like the installation of the police officer at the ground floor of the high school that students of color have to walk past every day is a good example of who is being kept safe and who they are being kept safe from. Sharing the feedback that the presence of armed officers has a chilling effect on people causes a reactive response of being described as anti-police.

The Town needs to put in effort to solicit the perspectives of young men of color between the ages of 14 and 22 because they are likely to be treated negatively by the police. People in South Asian communities and people who are Muslim should be brought in to ask about and understand their perspectives. The Town should then work to combine their perspectives along with the perspectives of experts and academics that it has access to.

It is systemic in the Town that we do not hear from affordable housing residents. It is rare to see people who live in affordable housing present when groups are convened in the Town. What is the Town doing wrong that is keeping them from being present or participating when they are present? No one asks where they are when a group is convened that does not include their perspectives. There is not an abundance of evidence that the police are particularly interested in listening to the perspectives of people living in public housing. Whether it is real or perceived, there is the concern that providing feedback about the experience of policing can put peoples' housing status in jeopardy.

For the Town to be perceived as serious about making change, the element of fear needs to be eliminated from the conversation. You cannot have conversations with people who feel fear. The Town also needs to have a rigorous policy review process within the Town that works to eliminate the culture of fear as well as having skill in looking at data with a racial equity lens. This might include taking the steps of linking this to senior police management's performance review.

The Town should also consider a civilian review board that looks not only at individual complaints but also at broader systemic issues. That review board needs to be inclusive of people who have had experiences with policing (this is inclusive of both positive and negative experiences). There has to be some relationship between the people included in the demographics of people who are being stopped by or ticketed by Brookline police and civilian review.

The CDICR has a citizens complaint group (and a patterns of racism subcommittee) that meets regularly and the Town might consider whether these structures can be used to continue to collect data about residents' experiences of policing and public safety.

Appendix G: Additional Interviews, Conversations, and Transcripts

Statement by Heleni Thayre, 12/19/20
https://docs.google.com/document/d/1rQg2aT7eU4Jxs_yx1pFTDyeQD_54C5d8nPp7RwfT-80/edit?usp=sharing:

Testimony via Facebook by Christina Kovach, 12/11-12/12/20
https://docs.google.com/document/d/1F8OSlh0exj-DzKf9-Rs0HocOGAzUzQxJl8cj88RXmY8/edit?usp=sharing

BHA Resident 1
https://docs.google.com/document/d/10bvNWmSPomCXF9XBuIE3lQOoyrBrVyZO2i2BculAgdA/edit?usp=sharing

Select Board Committee on Policing Reforms and Task Force to Reimagine Policing in Brookline Joint Public Hearing Wednesday, September 30, 2020
https://www.youtube.com/watch?v=uiK5vKsF6TQ
Transcript at this link

Written statements submitted for the Select Board Committee on Policing Reforms and Task Force to Reimagine Policing in Brookline Joint Public Hearing Wednesday, September 30, 2020
https://www.brooklinema.gov/DocumentCenter/View/22626/93020-Joint-Public-Hearing-Packet?bidId=

Appendix H: Research Notes

1. Notes of interviews and research from Raul Fernandez

November 19, 2020

I spoke last week with Jivan Sobrinho-Wheeler of Cambridge, MA and Rigel Robinson of Berkeley, CA, two City Councilors leading the charge to consider making traffic enforcement a civilian function in their communities.

Both understand that this will require a lengthy public process and that any proposed alternative must maintain public safety while eliminating the disproportionate stops and mistreatment of Black and other people of color that are ubiquitous under the current policing model. Both are also mindful of state regulations that may preempt certain changes to traffic enforcement as well as the pushback from their own police unions and department leadership.

Both communities have begun hearings and have instructed city staff to explore alternatives.

Berkeley first took this up in July – see policy recommendation here. Berkeley has committed $75,000 to study this issue and to determine a roadmap for moving forward. Those funds are most likely to be spent on consultants with relevant expertise.

Cambridge held a public hearing on October 14th to discuss this issue, which is viewable here. Chi Chi's notes of this hearing are below

Rahsaan Hall, director of the MA ACLU Racial Justice Program spoke at the Cambridge hearing and presented illuminating statistics on the disproportionate enforcement of traffic laws on Black motorists. He's definitely someone we should speak with about this.

Automated traffic enforcement, including speeding cameras, are also being considered as a part of these communities' efforts to eliminate bias in traffic stops. However, there are reasonable concerns about surveillance (who's being watched) and equity (where the cameras are located) that need to be addressed. As Chi Chi pointed out, there is currently no provision for automated traffic enforcement in Massachusetts. It is currently legal in California for red lights, but not for speeding. Here's a list of laws by state, prepared by the Insurance Institute for Highway Safety.

2. Conversation between Chi Chi Wu and Rahsaan Hall, December 1, 2020

Rahsaan Hall is the Director, Racial Justice Program, American Civil Liberties Union of Massachusetts. I gave Rahsaan Hall an update on the Task Force and our activities, I sent him a link to our Google-viewable working document. Rahsaan informed me that the ACLUM and various stakeholders are having conversations on the state level & with other municipalities on these issues, including traffic enforcement.

To the extent that Brookline adopts recommendations or there is need for advocacy, there could be collaboration with ACLUM

Regarding automatic camera enforcement, ACLUM is still working through its position. With adequate safeguards for privacy, it might be OK? A key issue is to ensure the equitable placement of cameras.

3. Chi Chi's notes from viewing the video of the Cambridge City Council Public Safety Committee hearing

On October 14, 2020, the Cambridge City Council's Public Safety Committee held a hearing focused on possible reforms and measures to reduce the role of police officers in traffic enforcement. Please note that the following is not a complete summary of the 2 hour hearing but rather my off-the cuff notes on points that I found interesting or possibly useful for our work.

City Councilor Quinton Zondervan began the meeting by stating that they were not proposing to have unarmed civilians pull over and stop drivers. Instead, they are exploring other methods to reduce racial disparities in traffic enforcement, such as automated camera enforcement and having civilians issue citations without stopping vehicles.

ACLU of Mass Racial Justice Program Director Raahsan Hall:
Mr. Hall gave the example of stopping a motorist for failure to yield as a problematic type of violation, because it is based solely on observation and thus could have a higher level of subjectivity. Seeing high numbers of failure-to-yield citations would be worrisome. Mr. Hall also pointed out that a low rate of issuance of citations for BIPOC motorists could actually be problematic because it means these motorists could have been stopped without cause.

Cambridge Police Commissioner Branville G. Bard, Jr.:
Commissioner Bard was upset because he had been told the hearing was to consider a proposal to shift traffic enforcement to civilians and had been prepared to discuss that issue. [My guess is that Councilor Zondervan figured out that Mass state law did not allow this and he had to pivot to other proposals)
Commissioner Bard also made some interesting remarks about how racial disparities could place a role in traffic enforcement in other ways. It's not just the number of stops that is important. Other factors include:
Duration- there can be disparities in how LONG a police officer stops Black vs white motorists
Results - there can be disparities in whose cars get searched when they are stopped
Reason for stop - police officers could be stopping Black motorists for minor equipment problems vs stopping white motorists for major moving violations
Commissioner Bard discussed using "internal benchmarking" and using a reason – result – duration analysis

Commissioner Bard also discussed how police officers have discretion, gave example of speeding

Note that Cambridge is getting a new records management system, which has a "procedural justice" module. Currently, Cambridge doesn't have data on race.

Hall: We need data on how much pretextual stops really catch criminals, is it worth it? (This seems to be the same question that Mike Sandman is asking). He noted that police usually respond after the crime has been committed, they don't prevent it. We also need data on how much traffic enforcement really improves safety, and whether civilians could serve some of the function.

Councilor Zondervan: Can we use civilians for after-the-fact enforcement that does not involve a stop, like a citizen complaint? Can we forgo issuing citations in certain situations? For example, if a motorist has a busted taillight or expired registration, we could send them a letter. After 2 letters, then they are issued a citation. [The City lawyer thinks this is questionable]

Later on, a BU Professor notes that currently under state law, there is no warrant required to search a car, just probable cause, but that states and localities are free to set higher requirements. So Cambridge could require a warrant to search a car.

Appendix I: Table Comparisons with Other Communities

"Peer" Communities and their Relevance to Reimagining

When we study any of our municipal services, whether police, schools or parks & recreation, we often seek comparisons with "peer" communities. Those comparisons are less useful when we are trying to reimagine how a service or set of services could be delivered. Nonetheless, it seems worthwhile to look at four groups of municipalities that could be defined as peers to consider whether further study would be useful as part of the reimagining initiative.

1. The first group are Boston-area suburbs with similar socio-economic levels. We often compare our services and our per-capita budgets with Newton, Lexington, Wellesley, and Belmont because they have relatively high per-household incomes and relatively similar demographics to Brookline. But they are fundamentally different in two important ways. First, a significantly higher percentage of Brookline's housing is rental property. Therefore, on average, families looking for excellent schools but which have fewer assets and, frequently, less income are more attracted to Brookline than to other suburbs west of Boston.

   And second, as home and rental costs have increased, Brookline has seen an increasingly bimodal distribution of income, as quantified by the 2013 report from the Brookline Community Foundation, *Understanding Brookline*. The BFC report showed significant growth in the number of households with $15,000 or less in income and a decline in the number of households with somewhat higher and mid-level income, up to $100,000. We are a more densely populated community with an income distribution that is more typically urban than the Boston suburbs with which we tend to compare ourselves. We probably need to consider what our neighboring municipalities can teach us, but they do not seem likely to be helpful in reimagining policing in Brookline.

2. The second group might be defined as "enclave communities" – independent municipalities that are partly or mostly surrounded by or immediately adjacent to a major city. Municipalities in that group include Santa Monica, CA (Los Angeles); University Park, Texas (Dallas); Clayton, MO (St. Louis); Beverly Hills, CA (Los Angeles); Evanston, IL (Chicago); and Bala Cynwyd, PA (Philadelphia). All of these municipalities -- even Beverly Hills -- have roughly similar population densities and racial demographics to Brookline and roughly similar mean and median household incomes. See table at this link.

   The useful comparison here may be the range of services the municipalities provide, whether through their police departments or through some other agency, and the budgets for those services.

3. The third group are municipalities that have begun working on their own reimagining initiatives, or have already developed new models for delivering the services provided by traditional police departments. Eugene, OR and its "CAHOOTS" program for responding to mental health issues and the initiatives just now starting in Cambridge and Berkeley, CA and under discussion in Madison, WI. The demographics of those communities are strikingly dissimilar from Brookline and from each other,, but it is probably not a coincidence that the political orientation in those communities resembles Brookline's.

4. The fourth group are Eastern Massachusetts municipalities with different socio-economic levels but similar populations, such as Malden and Weymouth. Finally, there is the City of Boston itself, which often looms large in the discussion of policing in Brookline. A table of information about police budgets, size of police force, FBI crime statistics and more for these municipalities is at this link. An analysis of this table seems to show that for smaller communities such as Brookline, Malden and Weymouth, the strongest correlation regarding size of police force and budget per capita is with the median income in the community, not FBI crime statistics.

Appendix J: Racial Composition of Nearby Municipalities and Neighborhoods

The racial composition of Brookline and the municipalities and Boston neighborhoods from which traffic originates that drives through Brookline is as follows:

Neighborhood/Municipality	White	Black	Latinx	Asian
Brookline	74.1%	3.2%	7.8%	15.9%
Allston	54%	6%	14%	22%
Brighton	65%	4%	11%	16%
Fenway	60%	4%	12%	20%
Jamaica Plain	55%	11%	24%	6%
Longwood	70%	6%	10%	11%
Mission Hill	44%	16%	20%	18%
West Roxbury	69%	10%	10%	8%
Newton	77%	3.3%	5%	14.5%
Wellesley	80.3%	2.9%	5.1%	12.4%
Natick	81.8%	1.9%	4.1%	12.9%
Framingham	69.5%	7.3%	16.1%	7.9%
Southborough	81.7%	0.7%	3.9%	14.4%
Dedham	84.3%	8.2%	8.7%	2.7%
Norwood	84.4%	7.2%	6.8%	5.4%
Walpole	85.1%	1.5%	10.5%	5.4%
Watertown	82.8%	1.6%	9.2%	9.9%
Cambridge	66.1%	10.7%	9.5%	16.7%

Data from:
Boston Planning & Development Agency Research Division, Neighborhood Profiles, August 2019
U.S. Census Bureau, QuickFacts (2019): Brookline, Newton, Wellesley, Natick, Framingham, Southborough, Dedham, Norwood, Walpole, Watertown, Cambridge

Appendix K: Traffic Enforcement Statistics

Provided by Former Chief O'Leary

The tables for this Appendix are available at this link:

https://drive.google.com/file/d/1uRK4Jo-DOkZj5B_Fp3eKR9V9AvTo6zzu/view

Appendix L: Changes to the SRO Statute

This is an account of the changes made to the SRO statute (G.L. c. 71, § 37) by the policing reform bill, which Governor Baker signed in December 2020.

Thank you to Associate Town Legal Counsel Michael Downey for reviewing and editing this summary.

I. Highlights

- The legislature created a special commission. This commission will "develop and review the model memorandum of understanding [MOU]" between police departments and schools, and make recommendations for changes to it. The commission must convene no later than March 31, 2021 and shall develop the first MOU no later than February 1, 2022 for implementation starting in the 2022 school year.
- **The police may only assign an SRO at the request of the school superintendent.**
    - This is in contrast to the prior language ("Every chief of police, in consultation with the superintendent…shall assign at least 1 SRO") which required the Chief to assign an SRO.
    - Text: "(d) For the purpose of fostering a safe and healthy environment for all students through strategic and appropriate use of law enforcement resources and to achieve positive outcomes for youth and public safety, a chief of police, at the request of the superintendent and subject to appropriation, shall assign at least 1 school resource officer..."
    - Section (f)—language which appeared in the previous statute as well—does not override the requirement for the superintendent's request. It indicates that if 1) the superintendent has requested an SRO, and 2) the police and superintendent together decide there isn't enough money for one, then the police will request that a state trooper stand in as an SRO.
        - Text: "(f) Notwithstanding subsection (d), if the chief of police, in consultation with the superintendent, determines that there are not sufficient resources to assign a school resource officer to serve the . . . school, the chief of police shall consult with the department of state police to ensure that a school resource officer is assigned..."
- The superintendent must, every year, 1) report to the dept of elementary and secondary education and 2) **make a public presentation to the school committee**.
    - This must include "(i) the cost to the school district of assigning a school resource officer; (ii) a description of the proposed budget for mental, social or emotional health support personnel for the school; and (iii) the number of school-based arrests, citations and court referrals made in the previous year disaggregated as required by the department of elementary and secondary education."
- The superintendent and police chief must review the SRO's performance every year.
- The superintendent and police chief must adopt, "at minimum," the MOU developed by the commission; they may add additional requirements; and **the final MOU must "be made public and placed on file annually** with the dept of elementary and secondary education and in the offices of the school superintendent and the chief of police."
- The dept of elementary and secondary education will "collect and publish disaggregated data regarding school-based arrests, citations and court referrals of students to the department and shall make such report available for public review."

II. Further Changes

- **Committee on Police Training and Certification**
    - Delegated Responsibility to "develop an in-service training program designed to train SROs," as defined in MGL c71, §37P
    - Training shall include:
        - Differences in legal standards regarding police interaction and arrest procedures for juveniles compared to adults;
        - Child and adolescent cognitive development, including instruction on common child and adolescent behaviors, actions and reactions as well as impact of trauma, mental illness, behavior addictions, and developmental disabilities on child and adolescent development and behavior;
        - Engagement and de-escalation tactics, specifically effective with youth;
        - Strategies for resolving conflict and diverting youth in lieu of arrest
        - Hate crime identification and prevention training curriculum including acquisition of practical skills to prevent, respond to and investigate hate crimes/incidents and their impacts on victim communities;
        - Anti-bias, anti-racism and anti-harassment strategies;
        - Bullying an cyberbullying;
        - SRO interaction with school personnel, victim communities and build public cooperation with law enforcement agencies.

- **Peace Officer Standards and Training Commission**
    - Police Officer must possess special certification to be eligible for SRO appointment – Current SROs have until December 31, 2021 to receive said certification.
    - Strangely, I do not see any description of the standards necessary, if any, to obtain the special certification.

- **MGL c71, §37L –** This section sets forth notice requirements to school personnel regarding their reporting requirements regarding child abuse and neglect, and a student's possession or use of a dangerous weapon on school premises.
    - **New Paragraph Added**, Prohibiting school department personnel and SRO to disclose the following information to law enforcement (subject to exceptions):
        - Immigration status
        - Citizenship
        - Neighborhood of residence
        - Religion
        - National origin
        - Ethnicity
        - Suspected, alleged, or confirmed gang affiliation, unless it is germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report.

Appendix M: Literature Review

A brief literature review of peer-reviewed articles was conducted to learn about previously conducted research and advocacy efforts related to community-based police programs and its impact, if any, on people living in affordable or public housing.

While there are a large number of journal articles published in the last three years which discuss the difference in perceptions of police by white versus BIPOC Americans (DeSoto, 2018; Scott Carter & Corra, 2018), there are few recent journal articles which focus on perceptions of current police community-based programs by white versus BIPOC community residents. More journal searches will be conducted to track down peer-reviewed articles on this topic.

Recent survey analysis research conducted by Stein and Griffith (2017) on resident and police perceptions of community policing found that the racial composition of a community with a community-based policing program has a strong impact on both resident and police perspectives of the program. Stein and Griffith conducted a study of three neighborhoods in an unspecified Midwestern city and found that the neighborhood with a significant majority white population (74%) called Shoreline had very different perceptions of community police programs than the other two neighborhoods, Mountain Top and Saints Village, which had far lower white resident populations (0.6% and 13.1%, respectively). Their results found that “More than half of the police officers indicate police are well respected in Shoreline (54%) and police have a good rapport with residents (54%). Less than 30% of the officers report respect and rapport with residents in Mountain Top and Saints Village (p. 147).

While Brookline, Massachusetts has different demographics than the neighborhoods studied in this article —income level and education level, for example — the marked difference of perspectives on community policing programs between BIPOC and white residents in the Stein and Griffith (2017) article is something to keep in mind while continuing to collect community perspectives on the W&T program. In the recent public forum jointly organized by the Reimagining Policing in Task Force and the Police Reform Committee on September 30, 2020, the residents who voiced pro-police perspectives often were middle-aged, or older, white speakers [10 out of 11 speakers were middle-aged or older and/or white], while those who expressed concerns about over-policing and police responses in Brookline tended to be younger residents and/or BIPOC [10 out of 13 speakers were young and/or BIPOC].

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Appendix N: Interviews

Administrative Interviews

Walk & Talk Officer Interview transcript: Dec. 16, 2020

Attendees:
Bonnie Bastien
Kimberley Richardson
Anne Weaver

Walk and Talk officers: David Pilgrim, Tim Stephenson, and Michelle Lawlor. Sgt Casey Hatchett, BPD W&T supervisor.

Members of the public attended the interview but did not participate in the interview, as it was not a public hearing.

[**TRANSCRIPTION NOTE**: This transcript is not word-for-word verbatim; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.]

Q: *How would you describe your job?*
Officer Stephenson (TS): A position where we are working within the BHA community. to get familiar with the people who live in the BHA properties, we are there so they can get familiar with us and we can get familiar with them. If it's not on a first name basis, then at least it's by sight. they can recognize us and feel that police are more approachable, just not in car.
Officer Pilgrim (DP): I second what TS just said. Our job is easier the more familiar we are with people.
Officer Lawlor (ML): The W&T program is so valuable to the community; to bring connection to people who may not understand or fear bad things about the police, to make connections with the community.

Q: *What are your stated goals?*
TS: Our biggest goal is to get to know the families who live in the BHA community, to be a resource for them when needed and to break down the barriers that people typically talk about between people who live in socio-economic households, POC, so it's not an "us against them" ideology going on. So we are one cohesive unit working together.
DP: On top of that, our other goal is to provide police services. If someone has a package theft, or some other crime, they could report it during a day shift or they could wait until we are working, that's one of our goals, to service the cause.
ML: Being there for these kids who might have had a bad experience with a police officer and are in a bad position. Breaking down these barriers so they trust us, whereas they might not trust police. So that's what we do.

Q: *Do you think you are achieving these goals*?
TS: Most definitely. People have our cell phone numbers, we get calls. I can get calls all hours of the day from people who are just wanting to talk, get some advice, where to go to for help. If we can't help them, we put them in touch with people who can help them, we do what we can.
DP: Most definitely, I am the newest W&T officer and my phone rings at 2 am. I think making people comfortable with us is our goal.
ML: We get phone calls at all hours of the night – we get kids in the middle of night form kids who aren't in a safe space and need a ride home. We are that bridge that people connect to, they trust us. It's appreciated.

Q: *How do you measure these achievements? Your helpfulness? Aside from anecdotally, how do you evaluate this?*
TS: You mean quantitatively? I don't consider it anecdotal. These are experiences that I have had, over many years, 17 years. These people feel comfortable enough to call us. They don't shy away from us when we walk by. I have never heard anyone say "Hey cop, keep going."
DP: The evidence is that they keep calling. They wouldn't continue to call if they didn't find us useful. Not everyone in every community will find it useful to be with police. If we can make an impact on a few people, it's better than leaving them to be abandoned.
ML: It's not a numbers game. It's more that people are calling us instead of 911. We are building bridges with these kids, these kids can trust us. They look beyond a uniform that may intimidate people. It's not like a number that we can give you…

Q: *How does the W&T program differ from other police units in Brookline?*
TS: About us being assigned to a specific area – the whole town is separated into sectors, not just us. The town is divided into 9 separate sectors. We are called the W&T unit, but the other sectors have patrol units.
DP: We have more flexibility than officers in other sectors. We have more time because we are the only ones who do that. Because our segment of population is a little bit smaller, we don't have the hustle and bustle that other officers do. For us, we have the time and ability to build the relationships.
ML: The program itself does so much more than regular patrol duties. We do camps, we bring pies. I set up a basketball program at the Teen Center for the past 5 years. That's something that patrol division doesn't do.

Q: *What is your job like on a normal day? What would be an unusual day?*
TS: There aren't any usual days. You never know what is going to happen. It could be a day when nothing is going on, it could be a day when a lot of people are outside, things are busy, we are talking to lots of people. We could get a call from an elderly person who is worried they were a victim of hacking on their computer. So we may spend 45 minutes with them to ease their mind, that they didn't lose their savings account. We may help someone fix their wheelchair, or walker.

Q: *Where are you located on your shift?*
TS: We cruise around the developments, we walk around, we go on bicycles sometimes.

Q: *How many families/residents would you say you interact with daily basis? Weekly? Monthly?*
TS: That's a number I don't keep track of. We could talk to 20 people a day or we could talk to no one. Again, it depends on the day. If it's a really cold day, or pouring rain, we might not see anyone outside and we might not interact with anyone on a face-to-face basis unless we get a call from someone.

Q: *Do you go in the buildings?*
DP: Only if we get a call. We don't patrol the hallways, if that's what you mean.
ML: Also in the winter, you can find us at any HS basketball game because we love going and cheering those guys on. We also go to the elementary schools and show our presence there, and be a support system for those guys, as well.

Q: *How many BHA crimes are reported? Weekly? Monthly?*
TS: Again, I think that's a number we aren't going to have, maybe that's something Chief O'Leary could tell you? It's not a number we can pull out of a hat and give to you. Sometimes we get 2 reports a week, other times we may get 10 reports a week (of crimes). A missing package, a bike theft, a domestic violence call. What I can say, but don't take this verbatim, historically crime rates in BHA communities are less than the neighborhoods around them. A big part of that is because we are visible, people do see us and that we provide a benefit to the residents at the BHA community.

Q: *The BHA pays the police department $15,000 annually. Where does that money go? What does it pay for - specifically?*
DP: That's an administrative question, we wouldn't know. If there is funding involved it's above our level.
Casey Hatchett: It's my understanding that it's a grant, BHA is not paying us, they give us a grant and it's been there since the inception of the program. It has supported programs with youth, used to purchase masks during COVID. It's been used in the YPI program. To supports programs like that or events, for example, a Halloween celebration.

Q: *On the BPD W&T web page, it says "these officers are highly visible to the residents." What do you think it's like to have officers be "highly visible to residents" as is stated in the program description on your website?*
DP: I think it depends, like I said earlier. A lot of people are really happy to see us. And some people don't want to see us. I don't think we are injecting us into people's lives. That's not what we are doing, that's their choice.

Q: *On the BPD W&T web page, it says* "*We find they are more apt to speak with the Walk & Talk officers, let them know of potentially developing problems and report crimes." What's an example of a crime reported specifically to the Walk & Talk Officers on onsite*?
ML: I have multiple examples, there was a stabbing last year. They called a W&T officer and told us exactly what happened. That's an example of the trust that we build.

DP: I have had people tell me about a disagreement with a child, or a significant other. Or a package theft. I think that happens a lot.

Q: *On the BPD W&T web page, it says "These officers spend a large amount of time interacting with juveniles throughout the town" Why would officers feel this is necessary at BHA? Why don't they interact with my [Bonnie's] daughter in this way?*
TS: Like I said, it's necessary in all of Brookline. Not just at BHA. Like Michelle said, we interact with kids at the HS, at the elementary schools, and other places. And what's wrong with police officers interacting with kids? We are one cohesive community working for the benefit of all.
DP: I think the BPD tries to connect with youths across the town. We aren't in the patrol division, we are in the community service division. But this doesn't mean that other officers aren't also interacting with kids in other ways, like SROs at the schools, for example. When I was growing up, I didn't have police officers who looked like me. I didn't have that role model. For me personally I do it because that's why I became a police officer. I think it's important to have role models who look like you. Who impart a strong sense of honorability. I think that is very important for our kids.
Our sector is BHA. So, we in the community service division can take that time. But it's not just BHA. It's also the high school, the community events we run, the Teen Center.

Q: *Police officers are handling an enormously broad set of needs in the community. Why are armed police officers the ones that need to be doing this work? Why are all of these responsibilities happening in the police dept?*
TS: Because no one else is doing it. We around 24/7, we don't shut down at 5:00 pm like social services do. Or shut down at 3:00 pm like schools do.
DP: It takes a village, we aren't saying that we are the only ones to do it. We welcome others to do it with us.
ML: Also, sometimes we get into situations where we are trained to be in those situations that others, such as social workers, aren't trained to deal with. Like domestic violence situations. Or mental health situations, or we are dealing with a kid who isn't getting along with their parents. And social workers aren't trained to deal with those situations.
TS: Also, we aren't doing this all on our own. We work with the Brookline MH Center and the schools. We work with other community organizations, it isn't just us.

Q: *How would you define "public safety?"*
DP: It's multi-faceted. It starts in the schools, I guess from the police side, public safety is making sure people feel comfortable walking around any time anywhere. We just want people to feel safe. I don't see public safety as different in BHA than in any other part of the Brookline community.
TS: I think it's hard to define. I serve the whole community. I don't really know how to put a definition on that. I think people feel comfortable when they see officers driving down the road, walking on the street. People don't look at us as bad or evil. I'm not saying that all cops are good, there are bad people in every profession.
ML: I think we can provide services to juveniles and elderly in BHA that other officers aren't able to do in their sectors.

Q: *What about the people in BHA who don't feel comfortable with the W&T officers? Who feel surveilled, who feel they are being watched? We have heard from some BHA residents who feel that way. Who feel that they are being watched because they are the "poor people in town."*
DP: No one is being surveilled in that manner, ever. That is not what our job is. The reason we are there is to be that bridge to help people away, to divert them away from the criminal justice system.
TS: In the 17 or 18 years that I have been part of the program, I think the program has evolved. I don't think we are out there over-policing, I think we are helping to bridge gaps, to form relationships. 99% of the time we are keeping relationships going, with children, with the elderly people. I feel very strongly about this, we are out there to help people. For people who do feel uncomfortable, come talk to us. We don't want you to feel uncomfortable. I am part of this community and am proud of my work.

[End of interview]

Walk & Talk Interview transcript with Matthew Baronas: Jan 19, 2021

Attendees:
Bonnie Bastien
Kimberley Richardson
Anne Weaver

Interviewee: Matthew Baronas, BHA director of property management. Mr. Baronas is retiring in May 2021. They are hiring his replacement, a search is happening now.

Members of the public attended the interview but did not participate in the interview, as it was not a public hearing.

[**TRANSCRIPTION NOTE**: This transcript is not word-for-word verbatim; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.

Q: Were you a BHA employee when the Walk & Talk program began?
Yes – I have been in my current position since 1988 and I was involved at the beginning of the program.

Q: If so, were you involved with the program at its start?
Yes. Chief O'Leary was the Chief at that time and he was very interested in community policing; de-escalating initiatives. We made good connections with our residents especially youth and became a resource for conflicts between neighbors, kids having difficulties with their families. Worked with our social service partners, Brookline Community MH Center in particular.

Mediating problems and looking for alternative solutions. My estimation was that it was a popular program, continues to be, but especially in the beginning with our residents.

Q: What has been your role with the program?
I don't have an official role but I have a strong relationship. As the director of property management, I supervise 4 property managers. So as a program director, I probably have the strongest relationship with the officers in the program -- although my property mgrs. prob have a stronger relationship than I do.
We review issues that are going on with our residents on a daily basis and on a periodic basis. Every other week we meet with our attorney to discuss cases where we are in some stage of eviction action – we rarely evict tenants but we do need to address lease violations from not paying rent to harassment of neighbors, criminal activity, health and safety issues failure to report income.
We might reach out to one of the W&T officers to ask for their help in intervening, or they might be aware of a situation where they want to talk to us – concerns that residents have, as well. Issues such as reasonable accommodation, or to help them with an issue that the family is struggling with.

Q: Who is currently in charge of the direction of the program?
The BPD

Q: Are you aware of how the W&T program started? The reason for starting the program, who initiated the program (BHA? BPD?), and why?
Community policing was seen as a progressive part of policing. Chief O'Leary is a real student of community policing tactics – the program was something they presented to us. No single event that led to this program.

Q: *Was it based on another program somewhere else -- in another town or city? Who designed the program*?
Not that I know of, I think it was a program designed by the BPD.

Q: What is your understanding of the goals of the Walk & Talk program -- both broadly and specifically?
Specifically, BPD noticed that there were people that were repeatedly getting involved in the criminal justice (CJ) system and were struggling to see what they could do as a community to divert people from getting arrested and tracked into the CJ system. [To have] three police officers that are dedicated to our residents and a part of the social service fabric in the community with the goal of preventing people in the direction…
The W&T officers have always been involved in youth mentoring programs, sports programs. But they are also experts in, got a lot of contacts…
It's not just youth but also the council on aging, the teen center, the Brookline MH center….
They (BPD) have similar goals to the BHA in that we want to provide our residents that are available to help our residents thrive, to overcome the disadvantages that they have…

Q: Do you recall how the payment of $15,000 was agreed upon? ($28,659 - with inflation) Was it a grant? A direct payment from the operating budget as it is now?

In the early days of the program some of the compensation was derived from the budget overtime, toward the ends of the BPD fiscal years, they would run out of the money and have to pull officers back into different duties. It would be noticed by our residents who would ask where the officers went. So the exec director Brian Cloonan (he retired about 10 years ago) – reached out to the BPD and asked if BHA could help out. This money was not a grant, it was part of the BHA budget.

Q: There doesn't seem to be a contract between the BPD and the BHA. Are you aware of a contract or an MOU?

No, not that I am aware of

Q: In the early days of the program in the 90's, what did the Walk & Talk program look like? How has it changed through the decades?

In the early 90s there were 2 officers, they had summer basketball leagues, weight training with youths. They were building the networking throughout town, working closely with our property mgrs. It was pretty balanced between us reaching out to them and them reaching out to us with issues and concerns. We were building those relationships.

Today I see a group of more diverse – more women, POC – serving as W&T officers. I see they have better training – along with most of the police officers – in community intervention and mediation. They are ready to jump right in to defuse situations.

They offer us some options that can be really helpful in resolving conflicts that we have that could lead to legal action. More formal mentoring relations that they have with our youth; stronger connections with our seniors and people with disabilities.

Q: Follow-up: What kind of programming happens in the Senior buildings?

Not as much formal programming, but they (BPD) are always willing to help with internet scamming, workshops on empowerment, less feeling of vulnerability. But I think more day to day helping to deal with people who are struggling with isolation, MH issues, etc.

Q: Has anyone ever asked the residents how they feel?

I don't think, no, I mean we haven't. When we have done "needs surveys,' I don't think there has been that focus. Springwell, for example, who we partner with for elderly population needs, does evals of seniors of their experiences with Springwell programming.

Brookline MH Center, I believe they have done surveying with us in the past, I think W&T program has been a part of those surveys.

Our social service programming has grown, esp. in the last ten years or so…

Q: What are the commonly stated complaints about the W&T program, if any?

I expect that I would hear of complaints – I can't recall any complaints about W&T officers. I am being totally honest with you, there have been complaints about police intervention over the years, not often but occasionally, but I don't recall complaints about W&T officers.

Q: Police officers are not social service officers, right? So, in the beginning of the program in the 1990s, when the BPD came to BHA with the idea of this program – to put police officers in the properties, was the thinking that this was a social service program?

That's a good question, a good observation, there is probably some truth to that. I can't speak for the BPD but it was partly to build a more positive relationship between police officer and our residents. I think that was a major part of the thinking, to create positive relationships, trust, but I think the program has evolved considerably and I think, in my experience, I look at the W&T officers similarly to what occurs with our other social service partners. Let's really put our heads together and what can we offer in these difficult situations, before they become problematic. I think some of it, is our tenants are reaching out to the BPD repeatedly, complaining about a neighbor. Often we are also aware of those problems and the W&T officers are helpful.

Q: Follow-up: If there are complaints by residents would they be recorded somewhere?
We keep tenant files for 7 years or so.

Q: Is the program necessary to keep going?
I think it is a really positive resource for our residents.

Q: Brookline residents don't have these programs, why do BHA residents need this resource?
[BHA residents] are low income, which creates additional stress, they struggle with child-care issues and other issues. There are barriers and hurdles and issues that many of our residents to a greater degree, exacerbated by financial issues, have…

Q: People who rent in Brookline, it's so expensive, some of those people struggle living paycheck to paycheck but they don't have police officers working with them. Also, BHA gives $15,000 to police people in housing…
We spend hundreds of thousands of dollars on social services – mental health services, aging services. I can't speak for the BPD but as a person who has spent my entire career working in affordable housing see this program as a uniquely positive and beneficial program for our residents in many ways….It's been my job to get as many beneficial services for residents to thrive … I know that there are other needs in Brookline, we have a limited resource, we can't help everyone in Brookline who needs affordable housing, and my focus is on providing them with any service that might be helpful to them to thrive and prosper. It takes a lot of people coming from different directions to help each other.

Q: When BHA is thinking about what services residents need, do you talk to residents about what services they want to see? What about if residents tell you they feel uncomfortable by the W&T program?
We wouldn't be an effective housing authority if we didn't value the opinions of our residents.

Q: If you are really concerned about BHA residents' opinions, please ask Danielle Mendola to send out a W&T survey to see if people do feel safe.

I thought there was a survey already sent out about this?

[End of interview]

Telephone interview with Michael Alperin, BHA Executive Director: 12/16/20

Personal views:

- Has heard residents express their concerns that the W&T officers are only focused on BHA housing and that feels like surveillance. They feel like no other neighborhood has that kind of presence and it seems like the policing of Black/Brown/poor people
- Feels inexperienced in experiencing and understanding W&T because he's only been there for 5 months and during a pandemic - hasn't been on the ground
- Can't provide a real perspective here

History of W&T - Is personally unaware of any contracts or agreements between the BHA and the BPD

- Matt Barones (staff) has been there for 30 years and has the knowledge of the program and its evolution - we can bring him in to speak to this if necessary.
    - He is retiring in May

$15,000 between BHA and BPD - Sgt. Hatchett referred to this as a grant

- Mel Kleckner is currently researching this annual payment
- This may have been a grant at some point
- Right now it is a check cut directly from the BHA's operating budget and sent to the BPD for their line item.
- This payment, if stopped, could be spent on other housing needs
- Sgt. Hatchett - made it clear that it is an important gesture to the BPD for their services
- AC has made it clear that they find it inappropriate

Recently there have been a lot of break-ins (people picking locks) - the nature of these issues could be many things - not necessarily characterizing them as a crime ring. But he has a lot of concern for domestic violence survivors housed at BHA (they are a priority at BHA).

- Alperin stated that this is not an argument for or against W&T - only a recognition of the necessity to make sure residents feel safe, particularly domestic violence survivors, in one way or another (cameras as deterrents?).

Surveillance:

- Only the ED (Alperin) can view the surveillance cameras unless he gives written authorization, which has happened a few times in the past 5 months he's been on the job
- The policies on surveillance were recently provided to the Town's surveillance committee

[End of interview]

BHA Resident Interviews

BHA Resident 1
Phone Conversation - 1/24/21
Black femme

Perspectives on W&T:

Q. How do you feel about the police being present in the BHA community?

A*:* How much more intimidating would the police be if they weren't building relationships with BHA residents?

Q. What kind of services do you receive from the W&T program?

A. They make turkey dinners for Thanksgiving. That is really generous.

Q. Should police be the ones to provide these extra services (Thanksgiving meals, pumpkin painting, other programming) and social services?

A. We already have access to social services. There are 1-800 numbers to call.

Other statements/issues surfaced:

Interviewee stated that BHA has policies that require police to report instances of DV or other crimes they are called to to BHA (**note* the BHA says this policy does not exist as described)*. This creates a danger of the resident being evicted. There is a zero-tolerance policy around these issues. This results in residents not reporting when they are a victim of violence/crime.

Interviewee stated that if Walk & Talk officers were removed, BHA would hire a private security company that would be worse than the W&T program. It would be more expensive and it would make living in the BHA even worse than it already is.

Interviewee gave examples of the bad state that her apartment is in and that they would never invite anyone to their house because it's that bad.

[End of interview]

BHA Resident 2
Telephone interview on Jan. 24, 2021

[Note**:** The person interviewed stated they were unsure if the police were W&T officers or regular police officers.]

"In 2013 I was just moving into my apartment located in the High Street location of BHA. My brother and boyfriend were moving things in and out of the U-Haul. I saw the police watching us for about 10-15 minutes. They soon approached my brother and my boyfriend and began to question them. I immediately ran downstairs to see what was going on. The police stated that someone had called them to make a complaint about us moving in. They stated, "no one was aware that you were moving in".
My brother and boyfriend were very upset with the police and refused to answer their questions. I was new to this community and did not want to make any waves, so I reluctantly answered all their questions. I knew they were lying to me about the complaint, but I also did not want issues or drama, so I let them question me.
After they left my brother and boyfriend told me I should have gotten their badge numbers to make a complaint."

[End of interview]

BHA Resident 3
Telephone interview on Feb. 1, 2021.

"As a new resident in Brookline and to BHA I felt the presence of the police immediately. I did not know anything about a Walk and Talk Officer. I just knew that I saw the police quite often and right away I felt like I was being surveilled. When I would venture out to other areas of Brookline I did not see a police presence the way I saw at BHA and this made me uncomfortable.
My son felt this surveillance early on and was followed home. He once stated to me "anytime something happens in Brookline, they always call me".
I have had to call the W&T officers when my family was experiencing an emergency, but I would have preferred not to. Do other parents have this experience in Brookline or do they just call 911 when something happens?
To be clear, this does not feel like special treatment or social support to BHA residents, this feels like policing at its Best!!!"

[End of interview]

Brookline Resident Interviews

Brookline Resident 1:
Public FB posts from Christina Kovach (fromer BHA resident) on the Brookline Townwide Discussion page
12/11-12/12/20.

Consent for use of name in these records?: Yes (via FB direct messaging with C.Kovach)

"I grew up in Brookline housing. While I do think that the voices of the people who are targeted by this program (or any program) should be heard, I don't think it takes someone with experience in housing to see how this program is deeply, deeply problematic. But as a BHA resident myself, yes, it was very invasive and uncomfortable to have a known police presence in my neighborhood. I asked about the mission statement because I was curious where and why this program came from in the first place. I have serious doubts it was based on actual data."

Response to a FB group member's comment by CK: "Yes, there are specific issues. Bonnie mentioned them above. Also, there is a difference between assessing "interactions" with officers and assessing a program. I personally think the program is problematic because it doesn't seem to have been based on data.
It was harmful to me personally because of the way it made me feel as I moved about my neighborhood growing up and through adolescence. Try to imagine walking into CVS, and having an officer with a gun follow you around. He doesn't bother you, he doesn't really even interact with you. But he is there to make sure you don't steal. He's got his eye on you even though you know you're not a criminal, you know you aren't doing anything wrong, but there he is, just watching. Watching YOU specifically because you are poor, literally. It felt yucky and constant.
And now as an adult, as an attorney, as a mother, and as someone who now lives in a bougie ass Brookline neighborhood, in hindsight, I can unequivocally say that that type of oversight and surveillance of me (and my brothers) as we grew up, was not helpful, it was harmful in a lot of measurable and impactful ways. That type of police presence and stigmatization was formative and has had lasting effects on my positionality and the way I have pursued many aspects of my life—anywhere from career choices to friendships. I grew up being watched by law enforcement, specifically because I was poor. That's a problem."

Bonnie Bastien: "I hate that this happened to you."

CK: "Bonnie Bastien To all of us! It was a big neighborhood with a ton of kids and teens. No one even questioned it. And it wasn't outwardly hostile or traumatic. But it was formative and impactful, truly. I didn't let my daughter play outside because I didn't want her to be "flagged" and "known" as one of The Neighborhood Kids."

[End of Facebook discussion]

Brookline Resident 2
Telephone interview on Jan. 26, 2021.
Black femme

Q: Why were you compelled to reach out to us about the survey?

- Watches Townwide page on FB
- Expected Brookline to be a more understanding community about minority experiences. However, what is posted on the FB page doesn't always reflect that shared understanding/experience.
- Sees lots of great activism and meaningful work as well.
- Lots of people need to hear individual experiences in order to relate to it. You can read all the newspaper articles you want, but until someone shares their experiences and perspective - it's easy to block out.

Personal stories: (all within the last year and a half):

1. Brookline officer monitoring construction site. Crosswalk blocked off and an officer was standing where people would normally cross. Her anxiety was enough to motivate her to walk entirely around the block rather than do what most people did, which was J-walk in front of the officer.
    - Fear and anxiety about interacting with the police officer
    - This was in contrast to her white partner who didn't hesitate with the officer
    - She has never had a good interaction with police
2. Older Black man was stopped in his car on the corner across from Trader Joe's in Brookline. He was being accused of stealing from a store.
    - She stopped to be present and watch as a bystander, even though she felt that as a Black person she may not be as helpful as a white person in this situation.
    - Quickly the officers called more and more officers to help with this man (the man in the car looked to be around 60, not doing anything "disrespectful" - didn't seem to be a threat in any way)
    - 6 officers standing around this man accusing him of theft
    - Quickly became harassment - "how could it be anything other than intimidation to surround this one man (a minority) with that many officers and question him"
    - There are protocols in place for this scenario that the officers did not do (ask a few questions and ask him to come voluntarily to the station).
    - Because they hadn't done any of those things, it became clear that they didn't have proof that this man committed a crime and were really just being intimidating and hoping to catch him in the act of something else.
3. May or June - heard car horns outside her apartment. Saw 4 police cars, several residents outside, an EMT truck, and a Black man and a Black woman (lots of blood on her face) in a car being questioned by police.
    - Stood by again to act as a witness
    - Other people assumed the situation might be a domestic violence (DV) incident that caused an accident - woman covered in blood, man not bloody but very upset

- She feared for the man, but thought DV was unlikely because police let the couple stand close to each other - police took statement, woman got in EMT truck
- She stayed to remind the man that he can remain silent if he does get arrested
- 5 police cars
- Everyone left the man alone (EMT took woman) and he found that he was locked out of his car
- Turns out man/woman got in accident and she hit her head (not dv)
- Police left without assisting him - He was now locked out of car - no one waited to see if he was ok, offered no medical assistance, no one made sure he could drive or that his car was safe to drive.
- Demonstrated why we need other services. Better trained people wouldn't have left him there after that traumatizing situation. Others services would have been beneficial.
- Her takeaway
    - While this was not an egregious offense, if police are truly community servants, why didn't they offer to drive him home or stay around to make sure he drove off safely, etc.?
    - Shows how pointless some police services are.

Q: Do you have a vision of what you think public safety should be? Do you see that reflected in the choices the Town is making?

- She thinks about "Circle Justice" a lot, which is an alternative to child services
    - It's a community- based group of people whose first interest is the community, not their bonus or quotas or the gov't (this can really depend on your community - can be challenging)
    - The person affected picks the people in the circle so its a safe space
    - People are brought together in this way from the community to act as moderator, emotional support person, etc.
    - This is what social workers are for - to assist people when other resources fail - provide council and
    - Also many social workers feel more similar to police than this vision

- What's needed is a sort of bookkeeper of resources that can provide the emotional support needed before a person is connected to those resources.
- There's a lot of mending - we need to tear down the system and start from scratch. It will never be functional until there is a lot of healing in the community.

<u>Personal Story</u>:
** "I will never be able to have a good relationship with police officers because the relationship and the history is too deep already" **

** “Growing up, my peers and I were so used to going to the police station to introduce ourselves to the police officers in our communities so that they would know who we were so we wouldn’t need to interact with them spontaneously in situations. There was constantly this idea that you have to get to know them before they can decide who you are in a moment. I’ve lived in MA for 8 years and every community that I live in I go introduce myself.”

- I’d call my friend who is a firefighter before I called the police.
- COVID 9pm curfew - She works until 9pm daily and wasn’t getting enough exercise. She was afraid of walking on her own on the street after curfew and getting in trouble or accused of doing something criminal or inappropriate
- She strictly adheres to COVID restrictions more than others because if there were anyone who would get in trouble, it would be her more than others.
- “There’s so much Black and Brown people do in communities to make themselves feel safe and then they are constantly surrounded by stimulus that tells them that they are not safe no matter what they do”
- “Even if an officer was working in a positive way in partnership with the housing authority and providing social services, I would not be comfortable using that service. I don’t think I could not trust it. I would not sign-up or use those resources.”

Q: Do you see the way you think about public safety reflected in the public safety choices and solutions available to you?

- Yes and no - I disagree with what people are proposing relating to reforming the system rather than rethinking the system.

    - In Brookline we are appropriately policed. Not like Forest Hills or Dorchester
    - People here are more involved and community oriented
    - We are appropriately policed
    - Comes from the demographic of Brookline - only knows 1 other Black person here.
    - Brookline is out of touch with what a typical experience with police is

Q: To what degree would you say you have a voice in creating or informing the Town’s current public safety strategies?

- I think there is a lot of opportunity - I feel like I could but I’m fearful of the reaction of the community
- Option is there and space is given for people that look like me to get involved, but it’s not set up in a way that makes it comfortable for me to seak up with an opinion.
- “I don’t put my BLM sign in my window because it feels too dangerous - because of things that are written and comments that are made (FB Townwide) I am not putting that on my window.”

** “Ironic that the public library is across the street from the police station - library should be a place of exploration and safety - If I were a Black teenager in Brookline, I would not be hanging outside by the library - feels like too much of an opportunity to get into trouble.” **

Q: Do the Town’s current public safety initiatives draw on information and expertise from community voices and community leaders that are important to you?
If no, who are those community voices and leaders? What insight and expertise do you think the Town is missing out on?

- The community I would like to hear from doesn’t live in Brookline. There are very few voices of color

Q: Do you perceive any barriers to participation in conversations about policing and public safety?

- “Yes, there’s a danger in openly stating my opinion”

Q: Do you have recommendations for ways the Town can continue to collect data about policing and public safety?

- Issues with our survey
  - Similar to why people don’t fill out the census
  - Packaging - she would of thrown it away
  - If she were an immigrant or more barriers I wouldn’t of filled it out - looks like the government - doesn’t look like it’s coming from people who want to support her
- How to improve the survey
  - Be in the community setting up shop
  - Have people in housing getting their neighbors to fill it out
  - Get the survey in businesses by the door
  - Needs to feel safer to fill out.

Q: Are there Town-community collaborations for public safety (with or without police) that you are aware of?

- no

- *Q: If no, are there collaborations that you think should be started?*
  - It all falls on the training - Collaboration should have a Black/Brown organization that does trainings for these services
    - Levels of trainings - mental health
    - Interactions with Black/brown people
    - How to approach people
- *Q: If no, are there collaborations that used to exist that you think should be resumed?*
    - n/a

Q: Thinking about the places where you think change needs to happen, what pieces would need to be in place for you to believe that the town was serious about making those changes?

- Putting their money where their mouth is - not just for show
- Need to see buy-in from people she respects - professors, professionals (mental health, community leaders outside of systems of oppression)
- Police budget is astronomical for how little they need to do in Brookline
- Some of that money put into community efforts

Q: What else don't we know about how you experience policing and public safety that we should know?

- As we do this work, we need to keep in mind the history. That's the first step in correcting the history
- Acknowledgement of the Black/Brown folks in the community. Without reconciliation with acknowledgement of harm - I don't know how we can move forward.
- If the Town and the BPD acknowledged even once that the history of policing has been detrimental. Because that hasn't happened there is so much left to do to create a new system or create a new one.

[End of interview]

Appendix O: Police Reform Committee Survey on Walk & Talk Program

Reform Committee Survey of the BHA/BPD Walk and Talk Program

Are you familiar with the officers from the Brookline Police Department's "Walk and Talk" Unit? (Officer Tim Stephenson, Officer Michelle Lawlor, Officer David Pilgrim & Officer Kristen Healy)

o Yes o No

How often do you see "Walk and Talk" officers in the BHA community?

o Very rarely/never o A few times per year o 1-3 times per month
o About once per week o More than once per week o Do not know

How often have you personally interacted with "Walk and Talk" officers (Tim, Michelle, David, Kristin)?

o Very rarely/never o A few times per year o 1-3 times per month
o About once per week o More than once per week o Do not know

Thinking about your last interaction with a "Walk and Talk" officer, which of the following best describes what the officer did? Please leave blank if not applicable.

o Officer took a crime report o Officer assisted in non-criminal issue (e.g. family/neighbor issue)
o Officer made an investigatory stop o Officer provided information
o Social interaction o Officer made an arrest

Thinking about your last interaction with a "Walk and Talk" officer, which of the following best describes how you feel about the officer's professionalism? Please leave blank if not applicable.

o Very dissatisfied o Dissatisfied o Neutral o Satisfied

For the next set of questions, please consider your experiences with "Walk and Talk" officers.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
"Walk and Talk" officers and residents have a good relationship.					
I feel uncomfortable around "Walk and Talk" officers.					
The "Walk and Talk" program makes the BHA community safer.					
I want the "Walk and Talk" program to continue in Brookline Housing Authority.					

Thinking about the “Walk and Talk” program, what changes (if any) would you like to see?

	Decreased	Increased	Kept about the same
The number of "Walk and Talk" officers assigned to work with the BHA community.			
The presence of "Walk and Talk" officers at community events for seniors.			
The presence of "Walk and Talk" officers at community events for families.			
The presence of "Walk and Talk" officers at community events for youth.			

Is there anything else you would like to share about your thoughts on the "Walk and Talk" program?

_____
_____

How do you describe your gender?

o Woman o Man

o Non-binary or non-conforming o Prefer to self-describe
_____

How old are you?

o 17 years or younger o 18-35 years old o 36-50 years old
o 51-64 years old o 65+

How long have you lived in BHA properties?
o Less than 1 year o 1 to 5 years o 5 to 10 years
o 10 to 20 years o 20+ years

How would you describe your race? Please select ALL that apply.
o Black/African American o Hispanic/Latinx o Asian/Asian American
o Native American/Alaskan o Middle Eastern/North African o White/European American
o Other _____

OPTIONAL: Would you like to be contacted to further discuss anything asked in this survey or otherwise related to the "Walk and Talk program?" If so, please leave your information below.

For more information or to discuss this survey, please email: chaynes@brooklinema.gov

Community Perception of the Brookline Police Department Walk and Talk Program

Preliminary Report

Introduction

The Walk and Talk program is a community-oriented policing program of Brookline Police Department (BPD) officers in the Brookline Housing Authority (BHA) community in order to develop a relationship with the residents. A paper survey was developed by a subcommittee of the Select Board's Committee on Policing Reforms in consultation with BHA staff. The survey was available in English, Spanish, Chinese, and Russian and was disseminated by mail to all 808 BHA residents' addresses provided by BHA staff to assess public perceptions of the Walk and Talk program. Although 808 surveys were disseminated, 38 were returned to sender so the study population is 770, and with 70 responses gives a 9% response rate.

The survey collected both qualitative and quantitative data investigating perception of the program, perceptions of the officers participating in the program, and frequency and quality of interactions with the officers. The 70 responses were collected and input into a google form where analytics were performed.

Demographics

Brookline Housing Authority houses over 800 residents across 12 different residential complexes. With respect to race and ethnicity, 56% of residents identify as white, 25% identify as Black/African-American, 14% identify as Asian, and 15% identify as Latino/Hispanic. 66% of residents identify as female and 34% identify as male. In regard to age, 56% of BHA residents identify as 65+. Of the 70 responses received, approximately 2/3 were from women and approximately 1/3 were from men which is directly representative of the study population gender demographics. The majority of the responses were from residents over the age of 65 (n=41) and 51-64 years old (n=12). There was a wide range of responses in regard to how long the residents were living in BHA properties. Approximately 1/4 of responses were from each of the following ranges, 20+ years, 10-20 years, and 1-5 years (n=18, 18, 19 respectively). Half of the responses received were from residents who identified as White/European American (n=32) and about 1/4 identified as Asian/Asian American (n=14). There were six responses from residents who self-identified as Black/African American and six responses from residents who identified as Hispanic/Latinx.

Public Perception and Interactions with the Officers

A majority of the residents were familiar with the officers in the Walk and Talk unit of the BPD (n=36). Approximately 20% of the respondents had seen the officers at least once a month (n= 15) but the majority of respondents interacted with the officers a few times per year or less frequently (n=38). When asked about how often they personally interact with the officers, only a few residents said that they interact with them on a semi-frequent basis of at least once a month (n=6) whereas most residents had few, if any, interactions with the officers within the past year (n= 49). Most interactions residents had with the officers were either social, the officer provided information, or the officer had assisted in a non-criminal issue (n=12, n=6, n=14). Few were actually in relation to any sort of police-activity (n= 4).

75% of respondents felt satisfied or very satisfied with the professionalism of the officers (n=30). A majority of residents agree or strongly that the officers have a good relationship with the residents, feel the program makes BHA communities safer, and would like to see the program continue. Most residents do not feel uncomfortable by the presence of the officers in BHA housing. Across the board, the community would like to

see the presence of the Walk and Talk officers remain the same or increase at the events held within BHA residencies and would like to see an increase in the number of officers in the Walk and Talk program.

Qualitative data provided many nice sentiments about the officers, naming and thanking some of them individually. Some of those comments included "They are kind in times of crisis - nonjudgmental to my family" and "I think as a BHA resident ; the "Walk and Talk" program should stay because it's a great program specially for our kids. Officer Tim is a great person and the kids and us love him. All Officers are wonderful and so helpful for our community." There were a significant number of responses saying they were unfamiliar with the program and/or would like to learn more about it. There was much sentiment related to enjoying the program but wishing there were more interactions and community engagement with the officers, such as "The officers should engage more with members of the community directly and not simply "drive through" the BHA" and "I feel it's important for them to be just "hanging out" in a fun friendly manor at family and youth events, so that their presence in the community isn't feared or looked down upon".

Limitations

While the data received through this survey has been informative in regard to the Walk and Talk program, there are some limitations that could limit the scope and interpretation of the data. Since the majority of residents who responded to the survey were above the age of 65, this primarily captures the sentiments of the older BHA residents and might not accurately reflect the thoughts and experiences of the younger residents such as families and children. It was also predominantly answered by residents who self-identified as white, limiting the applicability to the more marginalized racial groups within BHA. There was also an "other" section on the "How would you describe your race?" question that allowed respondents free text answers in conjunction with the prepopulated responses. We received a variety of answers that were then difficult to include in the rest of the analytics as there was only one response from multiple free text answers. One of the largest limitations is that many of the respondents did not answer all of the questions. Since it was a paper survey, some people were unaware there was a back and subsequently did not respond to those questions.

Appendix P: Emailed Feedback on the Walk & Talk Subcommittee Draft Report

Email 1:

Ms. Fields,

I wanted to express my thoughts and feelings about the Walk &Talk Unit but was not comfortable speaking on the Zoom meeting. Could you please forward this to the W&T subcommittee of the Reimagining Task Force.

I'm curious on why there was no mention of how the Walk and Talk unit enables the average citizen to feel more comfortable reporting criminal behavior to a police officer, they know personally and are comfortable with. The absence of mentioning how Walk and Talk deters criminal behavior is worth a discussion. I'm also wondering if the people that are having the negative experiences with police are criminals? Does Walk and Talk make BHA residents feel safer? Does it have more of a positive effect than a negative one? Personally I feel that even if only one person is more likely to report a crime to an officer, they know and are comfortable with, it benefits the community. I would like more information on how Walk and Talk affects the community positively, it feels like an assumption that they are making BHA feel like a police state where people are being watched. Having a positive police presence allows people to see that the police are there to help. Unfortunately the world has bad people in it and an authority presents is needed . The Walk and Talk unit seems to be an example of good community policing.

Thank you for taking the time to read and consider my thoughts.

Respectfully,

Kristin Stephenson

Email 2:

Hi folks,

I was impressed by your report. I think it makes sense for social workers/ mental health professionals to respond to respond to calls involving people experiencing emotional distress or mental illness. This assumes the town budget can afford this worthy experiment and that in any given case we can know what the nature of the problem is—so that those who respond are in a position to safely intervene.

In the case of School Resource Officers, I am less certain. A program on WBUR today (between 1:30 and 2 pm.) illustrated the issue. Featured on this program—and sorry I can not recall the place…possibly a town in Oregon—was a young BLM activist who made it clear that he was exempting his town's police from his general critique. The tenor of his comments was that the police in his town were trusted and friendly, they were known because of a sense of connection between them and the community…that they were in fact experienced as part of the community. This notion that a connection between police and community can actually be reform idea in itself, can build trust, can help to professionalize and "civilize" (if I can use that word)—all this would seem to be advanced by having students be able to meet with and relate to police officers—and vice versa. As for social workers, there are already SWs and counselors in our schools.

My kids were in the Brookline schools 30 years ago, and I recall they liked their DARE officer and developed a good relationship with him. I'd like the think he felt the same way, and that the experience had a mutually positive impact.

Best,

Bill Schechter
76 Brook St.

Appendix Q: Walk & Talk Subcommittee Public Hearing on the Draft Report

Task Force to Reimagine Policing in Brookline
Walk and Talk subcommittee
Public Hearing notes
Feb 3 2021

[**NOTE**: This transcript is not word-for-word verbatim; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.]

Approximately 20-27 public attendees.

Public comments and Subcommittee members' responses are below:

Jenelle A, Brookline resident, BHA resident:
High St veteran. I really feel like a lot of our problem is actually a problem of BHA housing policies. It doesn't make that sense that if any other Brookline resident has a problem with police, the police don't report it to your landlord.

Other housing authorities across the country have a budget for security and they end up with armored vehicles while gangs run rampant. Can anyone imagine how much that would cost? I wouldn't want my tax money to go to that. [Talks about the $15,000 being a grant, which is apparently not correct.]

Can we remember that if it weren't for BHS policies we wouldn't feel policed in our homes. If the police came to our homes it would be our personal business like any other resident of Brookline. But because we live in the projects, it's your landlord's business. So if you are a victim of domestic violence (DV) you are going to hide it. Because you don't want to be homeless. If you get caught being a victim in this project you become homeless. To me that's the problem. BHA policy.

Matthew B, Asst Director of BHA:
The Violence Against Women Act prohibits eviction based on someone being a victim of DV. It offers a number of protections for victims of DV and we would never evict someone for being a victim of DV. I just want to clarify that, thank you.

Jenelle A, **Brookline resident, BHA resident:**
I'm annoyed because I know that to be a lie. That's why no one wants to raise their hands [here]. No one wants to be targeted by BHA. If I didn't need my kid to graduate in Brookline, I would move.

Things are broken, things aren't taken care of. You are like something they would scrape off their shoe. Black mold, asbestos, lead paint…. But let's replace doors that aren't even broken. I just don't get that.
If it wasn't for the W&T program, I wouldn't even want to live here. I am in my bathroom right now feeling like I am getting sick [from the apartment]. But my kids can go out at midnight and be safe. Even if they are Black.

Question in the Q&A:
How will you reconcile your report with Jenelle's lived experience?

Bonnie B, W&T subcommittee member:
As part of our research, we questioned both the BPD and BHA if there were specific policies on the books—either at the BPD or at the BHA, or both – of police being required to report incidents to the BHA. We were told that there were no policies like that on the books. That doesn't mean it might not happen; just that there is technically no policy that requires that to happen.

Anne G, Brookline resident:
Thank you for this report; I think it's really important what you are doing. Has there been any outreach to other neighborhoods outside of BHA to ask if they felt a need for programs such as W&T? That it might be beneficial?

Anne W, W&T subcommittee member:
We haven't reached out to neighborhoods outside of BHA for W&T specifically. But we have been, as a task force, reaching out to all residents of Brookline to find out what community supports and services might be useful for them. That we could potentially build.

Anne G, Brookline resident:
Yeah, I am just wondering if people might not be comfortable with a police program such as W&T being in their neighborhood. A lot of times if you see a police officer on the street, you might bristle and wonder with they are there. I am wondering about their emotional affect, how people might feel.

Anne W, W&T subcommittee member:
It's going to depend on who you are and what your experience has been, how you might respond to police officers offering those services. We are, as a task force, reaching out to all community members to hear about their thoughts and experiences.

Ryan B, Brookline resident:
What sort of new services do you see the town creating?

Bonnie B, W&T subcommittee member:
This needs to come from the community. Needs to be a community-led process. We don't want to prescribe what those services might be. Perhaps a 24/7 service that doesn't need to be a police officer. But we need to hear from the community on what they need.

Emy T, Brookline resident:
Thank you for the hard work on this. I want to validate some of Jenelle's comments about BHA and police reporting to one another, we need to address this lived experience, even if it isn't officially on the books. I want to thank her for her courage and willingness to share that today. I think she has a point about residents' discomfort of showing up here today. I think this should be acknowledged, and we shouldn't expect folks to show up in such a public space. In terms of the $15,000 that the BHA now gives to the BPD, wouldn't it be great if the residents of BHA could decide how that money is spent.

Jenelle A, Brookline resident, BHA resident:
I want to thank Emy. It's the absolute truth. So many people would benefit from knowing that, if they call the police, it wouldn't be contingent on their residency. If I have an argument with my 15 year-old and the police come, I shouldn't have to come down there for a meeting. Let's say I beat up my boyfriend; he can't even call the police on me because he knows if he does me and our kids will be homeless. I personally spent 3 days babysitting the kids of a lady who had her leg broken. And she was evicted within a month.
I've been here a decade; when do I get a fresh coat of paint? You wonder why people are depressed? They tell you that they think you have a mental disorder and that if you don't get help, you're out of here.

Dan Brossman [spelling?]:
If the subcommittee proposing immediate termination of W&T? Or gradual?

Bonnie B, W&T subcommittee member:
We are leaving that process up to the community and what they feel they need. We have found that police providing these services to residents; there are professionals who can do this work better. But we are leaving that transition up to community members; our subcommittee on community engagement lays that out in their report and their public hearing is later tonight.

Anne W, W&T subcommittee member:
I am adding our report recommendations in the chat and you will see that community process and input on how this may happen is part of our recommendations.

Sam T, former Brookline resident:
I want to reiterate appreciation for Jenelle. I want to hear from her and let her lived experience guide this session. Thank you.

Jenelle A, Brookline resident, BHA resident:
I am so humbled by what the person just said. I was just cut off and I am not sure why. There has been more than one time that the BPD has had interactions with me at that type of scale. I had another resident just disappear for three days. And the resident's father asked me what he should do. I told him to call the police. He asked them (BPD) if he could leave his child with Jenelle and they said, yes, we know her, that's ok. No problem. The police, in these scenarios, did what police are really designed to do – to serve and protect. They could have made a big report. In other places, DSS would have been involved, but because of our relationship with the police at BHA we were able to see the situation through without the family's stability being upset. You know? They [BPD] would still do everything they do even if W&T didn't exist. Because that's who they are. They understand. They get it. We are talking about a different police dept altogether. There are just so many parts of BHA that don't work. That's what we should be looking at; that's what needs to be fixed. No one's tenancy should be questioned because the police were called.
Our [school] resource officer in the high school is an unbelievably loving kind individual. You will not find better people surrounding our kids. The minority in Brookline is the *poor*. Not Black or white; it's poor or rich. *That's* the minority.

Bonnie B, W&T subcommittee member:
While we are waiting for the next public comment, I want to make it clear that our intention is never to make people feel less safe. Just to make everybody feel safe.

Deborah B, Brookline resident:
Is there some way that you can survey tenants who experience the W&T program? An anonymous survey tool, maybe break it down by age group?

Bonnie B, W&T subcommittee member:
There is a survey that went out, not by us but by the Police Reform Committee. Most of the respondents were elderly and white. The details are in our report. It's hard to say that enough responses were gathered in order to get a clear picture of what residents are feeling about the W&T program. Our way forward is likely through community organizing and one on one conversations to learn about community safety, the W&T program, and what people would like to have in the community.

Deborah B, Brookline resident:
I have another question. What percentage of people in Brookline have regular interactions with law enforcement? Some of these kids see them at school, some of them see them in their housing. What are the cumulative impacts from exposure from multiple sources in young people?

Anne W, W&T subcommittee member:

We don’t know at this point. It’s a complicated question, but at this point we don’t have it.

Bonnie B, W&T subcommittee member:
This was in our survey, sort of? In our Task Force survey that went out to 25,000 people.

Question in the Q&A:
“If people like the police, how can it be a negative experience?”

Kim R, W&T subcommittee member:
If one person has a negative experience with the police, then it’s a problem because that one person is a part of the community.

Bonnie B, W&T subcommittee member:
Thank you for coming and participating and listening. The work does not end here, please reach out.

Raul F, Task Force to Reimagine Policing Chair:
What you have heard here has put into sharp focus the challenges that the government of Brookline and of BHA has in really understanding what people’s experiences actually are. What I hear is that there is a lot of fear out there. Fear of losing their housing and mistrust. Those are the deeper issues that we need to address.
Policing programs like the W&T program are addressing the symptoms of problems. What we need to invest in is the root causes of these problems. This isn’t just about what we should or shouldn’t do with any one program, but instead putting our effort into community engagement to get to the root causes of these problems.

[End of transcript of W&T subcommittee public hearing]

Appendix R: Interview Notes

Key points from the stakeholder interviews:

The descriptions below are highlights only. If you are interested in more complete notes on these interviews, please see our past meeting minutes.

1. **10/29/2020: Interview with Annabel Lane, social worker with BPD (funded through the State Dept. of Mental Health) and Lt. Jennifer Paster, BPH**

Q: *What is missing from community services now and what is needed?*
A: Feels that Brookline has good crisis services. We need more medium-level services, before someone is in crisis, to do community outreach and engagement and ability to travel to the person. Services including housing assistance, food stamps, relationship building (people are too isolated). More readily available access to emergency financial funds -- e.g. grocery debit cards or gas cards.

Q: *Re CIT program. Are there "refresher" trainings following the 40-hour CIT training? Is there ongoing supervision re CIT model*?
A: No additional mandatory trainings. There are non-mandatory one-day trainings available to officers on topics such as dementia, family resource centers, etc. BPD officers are required to do 48 hours per year of trainings but those trainings are set by the Municipal Police Training Committee and include a range of topics outside CIT.
No direct supervision of the CIT model; there is supervision related to "family unit" issues (checking on kids who may be vulnerable, for example) but not specific to CIT training.

Q: *Tell us about collaborations with other local service models re MH and crisis calls?*
A: BEST team: Great resource but limited because they only respond to adults with Mass Health or no insurance. (Not true for kids in crisis -- they respond to any kid in crisis no matter what the health insurance.) Not alway the fastest crisis service; BEST team can take 40-60 minutes to arrive at the place of crisis. And, importantly, the person in crisis has to agree to be evaluated by a MH clinician in order for them to respond.
Brookline Center for Community MH: No formal relationship but a collaborative relationship. BPD can't formally refer to the Brookline Center but can recommend that people in crisis connect with the Center. BPD refers people to the Center's Safety Net program, which is emergency financial assistance for local residents in need.
Monthly meetings with local agencies, including the Brookline Center, Council on Aging, BPS.

Q: What type of follow-up is done with the Brookline community member after a crisis that CIT has been involved with?
A: BPD will refer cases to CIT when appropriate and Annabel as needed. BPD does not have a social worker specifically assigned to them and Annabel has other responsibilities, however, will go out on cases when BPD refers them.

2. **11/5/2020: Interview with Ian Lang, Executive Director, Megan Smith, Director of Community Services, and Heather Lykas, Chief Strategy Office, Brookline Center for Community Mental Health:**

Q: *What is missing from community services now and what is needed?*
A:

- More pre-crisis services in order to prevent situations where emergency services are needed.
- Peer support services:
- CAHOOTs type crisis team models:

Q: *How does the Brookline Center currently serve vulnerable community members and people in crisis?*
A: Runs the "Bright" program for kids returning to school after an extended mental health (or physical health) crisis.
Just starting a case management program. Have secured funding for two case managers who will work with community members who are already seeing a therapist at the Brookline Center for individual therapy. Case management services will include ADLs (activities of daily living) and connecting the person to community resources, such as unemployment, housing assistance, health insurance, food stamps, etc. Case management services aren't covered by health insurance so separate private funding for this program was needed. Also homelessness prevention program,

Q: *Tell us about collaborations with other local service models re MH and crisis calls?*
A: Collaborates with many town agencies and orgs including the BPD, BPS (has Brookline Center social workers embedded in the local schools), Housing Authority, Dept of Health.

<u>Relationship with the BPD CIT program</u>: Strong and productive relationship with police department. Meets on a regular basis with BPD to talk about high-risk individuals in the community. In certain crisis situations they will call the BPD in order to section someone, i.e transport the person to a hospital for a MH evaluation. Has partnered with the BPD on clothing drives, neighborhood events, etc. Megan Smith raises an occasional problem with negative police responses to people in crisis, usually related to race issues, Black or brown people in crisis being treated differently -- more aggressively -- than -- white people. Smith says she has witnessed three such interactions herself and has been told by residents about "many more." Says "This [MH crisis intervention] shouldn't be part of their [BPD] job. They're not always equipped to handle this." They don't have the training that Mental Health Clinicians have to handle complex issues.

Q: *What services and supports do you wish were in the community to better serve vulnerable people and people in crisis? What would you like to see included on our Task Force's recommendations list next February*?
A: The center would like to explore how it can get more out into the community, have mobile units, have teams of people getting out to engage the community and do outreach to avoid crises and be proactive. Have same day crisis support services. Is there a way to allocate resources to the center? Would also like to have a peer support program. Police should be utilized when appropriate, but would prefer less reliance on police. Barriers exist such as insurance, funding, hours availability, getting people in quicker.

Q. *What about people falling through the cracks? How do you avoid that*?
A: The center works closely with other social agencies, DPH, Steps to success, Housing etc.

3. **Interview with Tim Black, Director of Consulting, CAHOOTS program, Eugene Oregon. January 7, 2021**.

Introduction of Tim Black and CAHOOTS consulting model:

Tim Black working with CAHOOTS in 2010 as a crisis worker/first responder, has a background in street outreach. Transitioned into the role of Program Coordinator 5 years later. As of Summer 2020, he is now doing outreach/consultation to other communities interested in using this model.

CAHOOTS is currently working with Rochester NY and Portland OR to set up programs that will likely be up and running by Feb/March 2021. They have been working with Portland OR for about 2 years. Rochester's program is moving faster than Portland's, due to a nationally-reported Rochester police interaction with a person experiencing a mental health crisis last summer and who was killed at the scene.

CAHOOTS recently set up a crisis response program in Olympia Washington. They also helped start a clinician partnership called the Star Program in Denver, CO. CAHOOTS is now involved in conversations about crisis mobile services in Oakland, San Francisco, and Knoxville. They are also seeing interest in their model from Canada.

Q: Public education: How is the public informed about the CAHOOTS model and crisis intervention plan? What ways have worked best to communicate to the public about the program?

Leveraging local media is important, including free local newspapers. We try to be part of the conversations that happen in the media — when news happens, we hope to be included in those discussions.

Reaching out and having conversations with small neighborhood associations, grassroots groups, business orgs, school classes. Describing the service and how to access the service.

In addition to public education about the service, try to fold in some common de-escalation training techniques, so that people have another tool in their pockets—skill-building. So they learn how to use de-escalation tools without having to call CAHOOTS.

Manage public expectations as to what the outcome of a CAHOOTS intervention might be — that it might not solve everything in one go. Since there aren't always sufficient community-based services available to support someone post-intervention, this often leads to a person needing several CAHOOTS interventions before adequate post-intervention support is achieved.

Trainings and presentations are another outreach tool. Create emotional literacy – incl. suicide awareness, common MH symptoms and presentations, social media hygiene -- for young people. Every 8th and 10th grader in Eugene and Springfield Oregon gets a presentation from CAHOOTS in their health class.

The outcomes of doing these high school presentations are (1) a lot more teens and families are utilizing the CAHOOTS services; and (2) the public high schools have embedded the CAHOOTS teams (an EMT and a crisis worker) within their school systems. Every HS in the greater Eugene, Oregon community now has a CAHOOTS team embedded in the school.

Q: Provide us with a brief explanation of the CAHOOTS model.

White Bird Clinic is a federally-qualified health center, serving the county in Oregon where CAHOOTS originated. As White Bird Clinic grew, they began doing more and more community-based crisis work, as well as outpatient medical services. Started collaborating with LEO and the public safety system.

White Bird formed the CAHOOTS program in 1989. CAHOOTS team staffing models are comprised of an “EMT basic” and a “crisis worker.” Crisis workers generally have a minimum of undergraduate-level education.

CAHOOTS calls for service are facilitated through the local public safety dispatch system. So, if someone calls 911, or the non-emergency public safety line, they will press “1” for police, “2” for Fire/EMS, and “3” for CAHOOTS. By being directly tied into that public safety call system, the police no longer need to go to the initial welfare check; instead, CAHOOTS teams are the first responders for those calls.

If a dispatcher answers the call, the CAHOOTS program becomes another resource for them. When CAHOOTS enters into a service contract with a city or county, the service agreement includes an outline for the CAHOOTS scope of work – i.e. what types of calls that are most commonly referred to CAHOOTS teams. The dispatcher manual is then updated to include a section specifically on CAHOOTS services in order to help the dispatcher decide which calls/codes should be sent to CAHOOTS. Sometimes calls get misidentified, but the team that initially goes out on the call will then call the most appropriate team in.

Tim Black estimated that the CAHOOTS team receives 70-80 service calls per day in the Eugene Oregon metro area of approximately 200,000 people.

The CAHOOTS team calls for police backup “less than once” a day. These police backups are used for either increased escalation of physical aggression and/or involuntary holds (when someone is a threat to themselves or others). Black stated, “When/if we reach the situation when a voluntary interaction is not going to serve that person in the moment, then we need to ask for police intervention in order to get the person to a hospital to receive the care they clearly need/further evaluation.”

Because of how CAHOOTS is designed -- because the program responds to a wide swathe of these intervention calls -- the city/county pays a fraction of the cost that it would pay if police and/or the fire dept/EMS were sent out for these types of calls.

So, there is a strong return on investment to the city. CAHOOTS has been able to directly work with the Eugene city council on increases to the CAHOOTS budget whenever there’s been the need to expand services.

Q: How long does it take to have the CAHOOTS team respond to a call?

Response time varies according to the need and what else is happening in the community. CAHOOTS operates in the same way that a patrol officer would according to the priority of the need. If the team gets two calls at the same time, they will decide who gets the first intervention depending on the need. They triage the need.

Q: Does CAHOOTS operate risis phone lines?

White Bird Clinic has a crisis call line (separate from the CAHOOTS team). Sometimes people will call early on in the crisis so that a team doesn’t need to go out immediately.

Q: Does CAHOOTS intentionally hire people with lived experience? Peer support?

Yes, it’s a priority for us, although it isn’t an explicit part of our recruitment. We have many staff who have lived experience and that experience is valuable for our work with others.

One unforeseen complication CAHOOTS has had is that people with a criminal history don't pass the required background checks. In order to wear a "police camera," you must pass a Homeland Security background check. So unfortunately, people who have been incarcerated/convicted of a crime are often ineligible.

Q: Scale-ability for a town as small as ours? Should we consider partnering with a neighboring town?

"We're not franchising." We are helping to build programs which respond to the unique needs of each community.

Springfield has 65,000-70,000 people, and it's sufficient to be covered by one CAHOOTS unit with 24/7 coverage. There aren't a lot of services directly located in Springfield but the service agreement includes accessing the services in Eugene, which is a much larger city with more community-based services.

Brookline could also cross the border into Boston in order to connect people with resources there if necessary. There are a lot of ways to accomplish this. Creating a regional coalition for a geographic range is another idea.

There might be other resources that need to be addressed before setting up the CAHOOTS model.

Q: Aftercare and follow-up with people for whom CAHOOTS has been called?

As first responders, CAHOOTS has scarce time for follow-up with clients after the phone call, given that they have 60 service hours in a day and often 80 calls per day.

CAHOOTS encourages people to call them as often as they need to.

CAHOOTS refers people who need case management, or other services, to other White Bird departments or to other community-based organizations. (Rental assistance, outpatient healthcare, outpatient therapy, addiction treatments, etc.)

Q: Tell us about funding

The initial funding for CAHOOTS in 1988-89 was through a public safety fund reallocation-- instead of hiring as many police officers as planned, the city funded the CAHOOTS program. Since then, we have our own funding allocation within the Eugene/Springfield budgets, i.e. separate funding from the PDs.

Our funding for the program overall comes from 4 areas:

1. Springfield: 25% town, 75% state grant funding from HHS
2. Private fundraising with philanthropists
3. Per member, per month wrap-around payment from Medicaid. This is not an individual bill—CAHOOTS does not charge clients—but they are saving the Medicaid system money in diversions from the ER, etc., Medicaid recognizes the cost savings and gives us a monthly wraparound payment.
4. "CAHOOTS Act" (Sen. Ron Wyden, Oregon) now in U.S. House of Representatives, in Rep. DeFazio's (Oregon) committee. This would allow Medicaid to fund 95% of mobile crisis program costs for the first 3 years that the program is up and running.
   Link about the act: https://www.wyden.senate.gov/news/press-releases/wyden-cortez-masto-propose-bill-to-reduce-police-violence-during-mental-health-crises

Q: How does CAHOOTS save money?

CAHOOTS itself costs $2-3 million dollars.

Two core savings:

- Medical: Diversion from EMS and hospital system: $8-10 million savings. Eliminates many ambulance rides, ED services, etc.
- Diversion from criminal legal system: Insufficient cooperation from police for strong data here, but the costs of nights in jail, tickets, court time, etc. Could say that for every dollar spent on CAHOOTS, at least $5 is going back into the community.

CAHOOTS also supports and uplifts small community organizations.

Q: What is your biggest challenge right now? Things we should be aware of?

These are issues that a lot of people are going to be passionate about; a lot of people want seats at the table. Should develop a Community Advisory Board comprised of people who directly experience the services, including the unhoused community.

Need buy-in from the people at the head of town departments and orgs. Chief of Police, Fire Dept., municipal leadership, CEOs of community-based orgs, etc.

Communities' expectations and sense of entitlement towards the CAHOOTS program.

The rapid development of grassroots programs/movements in the area meant that, whenever someone set up a march, people would put CAHOOTS on their flyer before confirming that CAHOOTS could actually be present. Some organizations which vandalized local police headquarters included CAHOOTS in their organizing, which couldn't work, because CAHOOTS needs to be able to work with the police.

CAHOOTS can't solve every conceivable problem. For example, CAHOOTS itself doesn't have a shelter. They can support a person in the moment, but without ongoing supports, there's only so far they can go.

For example, that manifested last summer with a petition to reallocate money from the police department to CAHOOTS, which would have been an unmanageable amount of growth, and wouldn't actually create more beds. CAHOOTS responded to say that the money needed to go to homeless shelters, etc.

Q: How do you decide if a call should go to CAHOOTS rather than the PD? For example, a violent scene or weapons involved? What if someone has a knife? Is there a grey area?

Every situation is a grey area. Every situation is unique. Even when we talk about weapons, we need to know context. We try to find out as much as possible before sending a team out. For example, what kind of knife is it? Is it a butter knife or a really sharp carving knife? Is the person outwardly threatening someone with the knife or does this person often carry a Swiss Army knife that he uses for cooking?

When we have those moments, it's an opportunity for us to engage with "watch command" and talk about what's going on, or if there is another resource. Or maybe we will do a joint response. Or maybe the police are going to make that first encounter but we are 3 minutes away, around the corner, just out of sight so as soon as the officers tell us that it's safe then CAHOOTS comes in and the officer and leaves.

Q: What support services would CAHOOTS like to see?

- Low-barrier shelter
- Addiction services, safe injection sites
- Harm-reduction services

- Crisis respites
- Variety of shelter options
- There is a longer, fuller list. It's about empowering people to meet basic needs, build new coping skills, and address triggers before things escalate.

End of interview/follow-up/next steps:

We can email CAHOOTS/Tim Black with questions.

Tim Black is allowed to do another hour-long conversation, pro bono, and conversation in the meantime.

CAHOOTS can develop a quote for a year-long consult for our needs (likely somewhere between $10,000-$25,000)

Other meetings with stakeholders:

Domestic Violence Roundtable: All three subcommittee members joined a roundtable zoom meeting on Oct 8, 2020 and listened to and engaged with the DV roundtable members on what they think works well in Brookline and what they would like to be increased or developed.

Notes from telephone call between Anne Weaver and Asantewaa Boykin, RN, *MH First* Director on Dec. 21, 2020.

Ms. Boykin opened the call by stating that sometimes it can be challenging to differentiate between a person undergoing a mental health crisis and a person undergoing a physical health crisis. That all too often, a person going through a physical health crisis who has a medical history record of mental health issues, may not receive the medical treatment they need because "they aren't believed" by medical staff. She frequently sees this in her work as a psychiatric nurse working in a hospital environment. This is why she co-founded *MH First*, a crisis service and support grassroots organization.

MH First consists of support volunteers and a three-person community crisis team.

The three people on the community crisis team include: (1) a crisis interventionist and a safety liaison, who doesn't engage with the person in crisis, but instead engages with police and emergency personnel if/when they arrive on the scene; (2) a RN or EMT; and (3) a person trained in mental health de-escalation and crisis support (might be a licensed professional or might be a peer supporter).

Before a community crisis team goes out, the person who has called in first speaks with a support volunteer who has been trained by *MH First* to engage with the caller and find out the specifics of what is happening, including:
If there is risk to person or persons; any physical health concerns; if there are police or emergency personnel on the scene; and other factors.

If the support person determines that a situation is urgent, then they will dispatch the three-person team to meet with the person or persons in crisis. Sometimes dispatching a team isn't necessary and other plans can be made with the caller, such as creating a safety plan, or scheduling a follow-up phone call or non-emergency visit. Sometimes these phone calls last for hours; the telephone support volunteer will stay on the phone with the caller for as long as needed. There is no time constraint.

Telephone support volunteers come from a variety of backgrounds including medical students, law school students, social workers, registered nurses, and people with lived experience of mental health issues, addiction, and lack of housing.

Ms. Boykin stated that telephone calls are not the most common way that people in crisis reach out to *MH First*. She said that texting is the #1 way people reach out, followed by direct messaging, and then by telephone.

MH First will send Lyfts to people in crisis who need transportation to go to a medical appointment or an Emergency Room. The budget for Lyft use is usually crowd-sourced.

MH First is only open on Fridays and Saturdays. They tend to receive about 4-5 calls a day per weekend.

MH First has developed a one-day training, which is mandated for all volunteers prior to the start of volunteering. This training is based on active listening, de-escalation, and emergency room diversion.

They receive some grant funding from the city of Sacramento, California.

Appendix S: Research Notes

The subcommittee reviewed over 20 articles and website links and 2 webinars related to community supports and services to VPPC. The focus of the literature review were existing programs which served people in crisis, including non-police crisis service programs, several housing program models, jail diversion models, and the Crisis Intervention Treatment BPD model. Highlighted below are the programs which seemed most relevant to the subcommittee's Charge as we continue our research and evaluation and make recommendations.

Non-police crisis service programs:
CAHOOTS (Crisis Assistance Helping Out On The Street): A private non-profit organization which operates via a third-party contract provided by law enforcement. It is located under the public safety arm of the municipal government. CAHOOTS crisis support consists of two-person teams consisting of a medic (a nurse, paramedic, or EMT) and a crisis worker who has substantial training and experience in the mental health field. The teams use trauma-informed de-escalation and harm reduction techniques during their work with a person in crisis. According to CAHOOTS, out of the approximately 24,000 calls that they responded to in 2019, police presence was only required during 250—or approximately 1%—of those calls. (El-Sabawi & Carroll, 2020, p. 26) CAHOOTS estimates that their program has saved taxpayers an average of $8.5 million a year in public safety costs alone, in part by responding to and ultimately resolving 17% of the Eugene Police Department's overall call volume.157 Because CAHOOTS also responds to non-emergency medical issues, it also saves taxpayers an additional $14 million in ambulance transport fees and emergency department treatment costs annually. (El-Sabawi & Carroll, 2020, p. 28)

Gerstein Crisis Centre in Toronto, Ontario**:** Crisis center, founded in 1989, with a 24/7 community support and mobile team. Trained in nonviolent de-escalation. Peer support. Receives about 30,000 crisis calls a year, and makes about 1600 visits a year to people in crisis in Toronto.

BEST Team: Affiliated with Boston Medical Center. A comprehensive, highly integrated system of crisis evaluation and treatment services to the greater Boston area, including Brookline. Their call center dispatches mobile clinicians to the site of the crisis and also offers information, referrals, and psychiatric evaluations, and has two urgent care centers in Boston. Also offers homeless support services including case management, outreach, and mental health assessments at the Shattuck shelter. As Annabel Lane, social worker in the BPD noted in our interview summarized above, the BEST team only serves those who have insurance through MassHealth or who are currently uninsured in any health plan.

MH First: A community-based response model for people in mental health crisis,located in Sacramento, California. The goal of MH First is "to respond to mental health crises including, but not limited to, psychiatric emergencies, substance use support, and domestic violence situations that require victim extraction." MH First provides "peer support, de-escalation services, and non-punitive and life-affirming interventions to people experiencing mental health crises." Currently operating only as a phone intervention due to Covid-19, MH First volunteer staff include people with lived experience of mental health issues, trained clinical mental health providers, and medical students and residents. Prior to taking crisis calls, volunteer staff receive five initial hours of training designed by mental health clinicians and peer supporters, receive ongoing supervision, and follow-up trainings designed by program staff.

Housing models:
Some housing models examined how the “unhoused” population could be assisted by:
The use of parking lots where unhoused people were allowed to park their cars there
The use of public space management - having access to rest rooms, showers, drinking water etc. in parks, libraries, sidewalks and streets.
Educating the public about these strategies in order to reduce calls about this
Calls don't go to the police but to a different line that connect the person with services, outreach, housing specialists, etc.

Jail diversion models:
Forensic Assertive Community Treatment (FACT): FACT is a service delivery model intended for individuals diagnosed with serious mental illness (SMI) who are involved with the criminal justice system. These individuals may have co-occurring substance use and physical health disorders. Their needs are often complex, and their disorders are often under-managed and further complicated by varying degrees of involvement with the criminal justice system. FACT builds on the evidence-based assertive community treatment (ACT) model by making adaptations based on criminal justice issues—in particular, addressing criminogenic risks and needs. In this sense, FACT is an intervention that bridges the behavioral health and criminal justice systems. FACT is designed to do the following: improve clients’ mental health outcomes and daily functioning; reduce recidivism by addressing criminogenic risks and needs; divert individuals in need of treatment away from the criminal justice system; manage costs by reducing reoccurring arrest, incarceration, and hospitalization; and increase public safety. Like ACT, FACT provides services that are client-focused, community-based, time-unlimited, and delivered by a multidisciplinary team. These services include intensive, continuous engagement
Approaches to Early Jail Diversion: Collaborations and Innovations (July, 2019): This study examined pre-booking jail diversion services for people with Mental Illness and Substance Abuse Disorder. The study reviewed a number of community behavioral health programs and law enforcement and emergency programs.

Crisis Intervention Team (CIT):
Developed in 1987 in Memphis TN following the shooting death of a 27 year-old Black man who was in a mental health crisis. National Alliance on Mental Illness (NAMI) helped develop the model. 40 hour training model which includes education about mental illness (causes , signs, and symptoms), information on involuntary commitment criteria, communication skills, and de-escalation training. CIT is currently part of the Brookline Police Dept. All BPD officers have been trained in this model, according to Dan O’Leary. BPD is one of the regional training centers for other PDs in Massachusetts. The subcommittee learned more about the BPD model in our interview with Annabel Lane and Lt Paster on Oct 29, 2020 (see above).

International Programs

Sweden: Mental health ambulance staffed with two specialized psychiatry nurses and a paramedic respond to emergency calls from people with severe mental illness or behavioral distress. Calls from the public are received by an emergency call operator who identifies a mental health crisis suitable for this program. There is some coordination with the police (check detail)

Finland: “Housing First” policy for someone who is drug-addicted or homeless.The Finnish Housing First approach was introduced in 2007 as a housing solution for the most vulnerable homeless people. Permanent housing based on a normal lease and individually tailored support services were the core elements in the approach. Increasing the supply of affordable rental housing was necessary. Also, preventive measures were reinforced. Since then, hostels have been converted into supported housing units with independent flats for the tenants and several social housing organisations have provided housing for the programme. New ways to support people and to improve integration in the neighbourhood have been developed.

England and Wales: Most police officers are unarmed and more focused on de-escalating the situation using communication and minimal violence.

Appendix T: Current Social Service Programs and Services

Current Social Services in and around Brookline:

- **Allston Brighton Community Financial Management Program** mailbox@allstonbrightoncfmp.org Free tax preparation, medical debt resolution, credit counseling.

- **Alternatives to calling Police/Boston Resources** (Mutual aid, Medford and Somerville) https://docs.google.com/document/d/1jY1TtxtCtxO9F0l7QUKrMnnvSEOBD5CC5WmXq01MyE8/edit

- **The A.C.E. Collective** (Alternatives to Calling 911) https://docs.google.com/document/d/1G9epQLI5yh_Nsl0gRoE5T42J3VXOrS1ImrX3BS3SnWE/edit

- **The Brookline Health Department** offers resources/call numbers for people to call for mental health, emotional distress, and substance abuse issues. (mental health) https://brooklinecovid19.com/emotional-health-resources/

- **Brookline Housing Authority** (Employment and ESOL supports for Brookline residents):

    - **Next Steps:** Resume, employment, training, and educational assistance, summer jobs. gwatson@brooklinehousing.org

    - **ESOL** English as a second language classes. dmendola@brooklinehousing.org

- **Brookline Center for Community Mental Health** Counseling, rental assistance and emergency assistance with other basic needs, transitional housing, homelessness prevention, case management. Info@brooklinecenter.org

    - **Safety Net**: Emergency financial assistance for people who live, work, or go to school in Brookline. Safetynet@brooklinecenter.org

    - **BRYT (Bridge for Resilient Youth in Transition) Program**: Run by Center social workers at the Brookline High school for students who've missed a lot of school.

- **Brookline Council on Aging**: On site and Senior Center based programs and services for elderly in health, arts, nutrition and recreation. dbell@brooklinema.gov

- **Brookline Early Education Program:** Day care, home visits for pre-school readiness. beep@brookline.k12.ma.us

- **Brookline Food Pantry**: Free food with three Brookline locations, limited delivery options available for homebound residents. Brooklinefoodpantry@gmail.com

- **Brookline Office of Veterans Services**: Assists veterans with services including annuities, social security, medical care referrals, counseling, educational benefits, emergency funds, job searches, housing, and other services. bmcgroaty@brooklinema.gov

- **Brookline Mutual Aid**: Community-based initiative to ensure that everyone has access to essential resources like food, cleaning supplies, medication, childcare, and financial assistance as immediately as possible. mutualaidbrookline@gmail.com
- **Brookline Recreation Department**: Low cost summer camps, swimming, sports, health & wellness, childcare, trips, & special events. Financial aid available. recreation@brooklinema.gov

- **Brookline Health Department, Emergency Preparedness Buddies Program**: The EP Buddies Program is free and designed to match volunteer coaches to elder buddies to help them determine their needs in order to improve their preparedness and resilience. sgordon@brooklinema.gov

- **Brookline Teen Center**: Teen-driven, drop-in, out-of-school time facility offering an array of programs, activities and events. info@brooklineteencenter.org

- **Massachusetts Housing and Shelter Alliance**: https://mhsa.net/ (help find housing)

- **Massachusetts Coalition for the Homeless** https://mahomeless.org/ (help find housing)

- **Office of Diversity, Inclusion, and Community Relations**: Advocates for those who may face discrimination, stereotyping and social injustice. lgellineau@brooklinema.gov

- **Springwell**: On site coordination of services that allow seniors and individuals with disabilities to live at home. inforef@springwell.com

- **Step by Step** Supportive Services to help adults with psychiatric, cognitive, and social disabilities lead meaningful and fulfilling lives. http://www.stepbystepss.org/

- **Steps to Success**: Comprehensive support for low-income students in Brookline schools from grades 4 through college. sts@stepstosuccessbrookline.org

- **Women Thriving**: Community-based programming to support holistic health and wellbeing of low-income women in Massachusetts. annbrackett@womenthrivingma.org

Appendix U: BPD Crisis Call Data

Subcommittee members reviewed BPD data on crisis call codes provided to the Task Force by the BPD.

In the month of September 2020, approximately 119 calls were made to the BPD by, or on behalf of, a person in crisis in Brookline. Of these calls, 14 call codes were for a "confused person"; three were for a "family disturbance"; six were for an "intoxicated person"; nine were for a "psychiatric evaluation"; 17 were for a "medical emergency"; and 59 were for a "well being" check.[17]

The data for September 2020 crisis calls does not indicate the results of the interventions.

In a separate document entitled "Brookline Public Safety Communications Overview," in 2019 the BPD received 665 call codes for a "well being check" on a person in the community; 179 call codes for a "psychiatric emergency"; 101 calls on an "intoxicated person"; and 51 call codes for "CIT follow-up".

In 2018, the BPD received 592 call codes for a "well being check" on a person in the community; 166 call codes for a "psychiatric emergency"; 112 calls on an "intoxicated person"; and 74 call codes for "CIT follow-up".

[17] Note: It is unclear from the above data if more than one of the received call codes might have been about the same individual in crisis. For example, three of the 14 calls on behalf of a "confused person" were received on the same day, so it is possible that more than one call was made for that same person in crisis.

Appendix V: Public Hearing Notes

Vulnerable people and People in Crisis subcommittee
Public Hearing
Feb 4, 2021

[**NOTE**: This document is not word-for-word transcribed; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.]

26 public attendees

Gaurav, Brookline resident: These all sound like great recommendations, especially CAHOOTS. In terms of the process, it would be a shame if this didn't pass. Why don't we already have this? Is the town going to vote for this and if so, when?

Naomi, Brookline resident: Thank you for your time and effort and I agree with all of your recommendations. I have been working in homeless services for the last 22 years in different capacities. I have multiple family members with mental health and substance use issues and I know what it's like to have police involved in their lives. I love the idea of the Town creating a social services dept.
Cambridge has a very robust social services department and the value they put into pre-crisis services is very clear.
De-escalation is centered on being respectful and trauma-informed and person-centered and is an important part of the work. Calling the police should be the last resort as many people have had negative reactions to the police in the past. I want to second the recommendation of working with CAHOOTS. I think it would be a great thing for Brookline to explore.
If you have a family member with mental health or substance use issues, you don't want someone in a uniform with all that power showing up as the first responder. You want someone trained in person-centered, trauma-informed de-escalation to show up, not a police officer.
Thank you for your work, I am available to help

Jody, Brookline resident: I am a licensed clinical psychologist. I resonate with everything Naomi just said and I agree with all of your recommendations. Thank you for your work.

Emy, Brookline resident: Thank you for your hard work in ensuring that Brookline can be a safer place for all of us. I strongly agree with your recommendations that police officers should not be primary first responders. I am speaking from personal experience with family members.
In terms of your recommendation that pre-crisis services need to be expanded in order to prevent such crises from occurring, I agree. I think you should push your definition of pre-crisis services a little wider to include things like high-quality equitable education, Medicare for all, and expanded housing opportunities. Universal basic rights that are often the root cause of "crime prevention."
I love the idea of a social services dept but I don't want it to be just a place that just coordinates direct social services. I want it to be a place that also makes the connections between direct services and root causes in our community. For example, to keep track of how many people are in need of "X" direct service and instead of taking that data at face value, the dept can then ask the larger questions of why so many people are in need of "X" direct service and then coordinate solutions with other towns and the state depts and agencies to address these underlying root causes.

Sam, former Brookline resident: I want to interrogate the use of "highly trained" individuals in these roles. Maybe we could also use people to serve in these roles who are directly from the community. Maybe think about shifting the frame to not have to rely on any credentialed professionals and instead give the power back to people who know what their needs are and could consult for themselves —if the power was given back to them. Thank you.

Jeffrey, Brookline resident: Thanks for all the work you are doing on this. I want to speak from a personal perspective. My dad was a cop and he always said that the hardest work was dealing with domestic crisis situations. He said it was like coming into the movie in the middle, so to speak, wearing a uniform and with a gun. The history of racism also can't be overlooked here. Being a white officer going into communities of color. It's tough for cops; they also don't know what to expect and there is a lot of fear for them, too. They don't know what risk they are going to be put in.
I've been wondering if there is any data that you have been able to get from the BPD about how often they go into such situations. How often they have needed to use police force to be effective in that way. What the outcomes have been. I think that would be really important information to have. It's also a money thing. We are spending money for the police to do things which raises the situation for everyone -- including for the police. It may be a poor use of resources. I hope we can get data from the BPD on that.

Ryan, Brookline resident: CAHOOTS sounds like a good idea, as well as increasing pre-crisis supports and the creation of a social services department. I do want to emphasize the holistic approach to public safety, thinking about the entirety of someone's needs and the root causes that might be affecting them.
I just saw in the news that Austin,Texas just bought a hotel to house people without housing. Sometimes it is just that simple; providing housing for people who don't have it. You just have to have the political will to make those decisions. Thank you.

Donelle, Brookline resident: Thank you, you are doing crucial work. I appreciate what you are doing.

Gaurav, Brookline resident: I think Ryan raised a good point, why not shift money from the police dept to creating housing for people who need it. How much are we spending on the police, how much are we spending on housing? Where can I find that information? Thank you. [subcommittee members directed Gaurav to the Town of Brookline website]

Donelle, Brookline resident: Have you been reaching out to community members? What questions do you have for us? Like over here in the Village Way, where I live, how do we get the message out that we are having these meetings and conversations? How can I get people more aware of these meetings and talk about their experiences? In our complex, we are going to start doing zoom public forums, have public forums on concerns in the community. I want to add information about the Task Force in our forum. Maybe have a Task Force member speak?

Alex, subcommittee member: There will be a full Task Force public forum on Feb 17th. Also, encourage people to send us emails, if they prefer to be anonymous. [Subcommittee provided the Task Force email in chat]

[Redacted name, due to personal information shared] Brookline resident: While I don't have any experience interacting with the police in terms of mental health crisis, I do have experience being in the Brookline public school system, particularly at the high school.

Brookline high school is really ahead of the curve in terms of addressing acute mental health, and in terms of meeting students who are experiencing such issues, in terms of meeting them where they are at.
I had severe depression and anxiety in HS which led to me missing a huge amount of school, and, when I was at school, missing a lot of classes. I was part of the BRYT [Bridge for Resilient Youth in Transition] program, which is at the HS. BRYT is a program of the Brookline Center for Community Mental Health and is run by social workers. It's a program where students who have missed a lot of school can reintegrate into the school. BRYT includes SWs and a tutor to help students successfully enter back into school. They are the reason that I graduated high school, because I had these social workers advocating for me and supporting me. Brookline is doing something right with the BRYT program. Why does that support stop when you reach age 18 and when you graduate high school? Why can't we expand it, meet everybody where they are at, have a program that's beneficial and supportive for people age 18 and older?

Carolina San Miguel, Town of Brookline community engagement strategist: I just want to introduce myself. My job is to reach out to people, I am here and want to engage with the community. Please feel free to contact me and I am glad to help. Thank you.

Nathan, Brookline resident: I support the recommendations of the report, especially the CAHOOTS program. I believe the funding of the police should be reduced and the funding be used to support these new programs. Thank you.

Eva, Brookline resident: I don't have anything new to say. I just want to reiterate what people have said already. I support the work this subcommittee has been doing. I grew up feeling scared of the police, I didn't want to call them when dealing with family issues and I think these recommendations are good steps in the right direction.

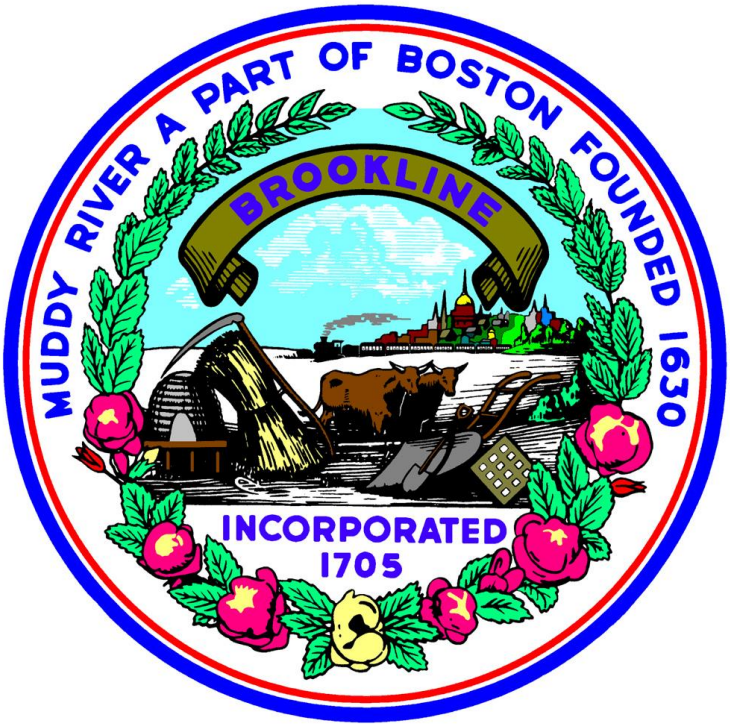
Bonnie, Brookline resident, Task Force to Reimagine Policing member: I want to say that right now is the time to advocate for this work.
Budget season is upon us and this is the time to show up and help support these ideas and the work. We need your voice and your presence to make this work happen. Thank you.

Raul, Task Force to Reimagine Policing Chair: I want to make sure everyone knows about what's coming next. Friday morning Task Force meetings from 8:00-10:00 am. Task Force full public hearing meeting on Feb 17 at 7:00 pm. The Task Force will then present on March 2 at the Select Board meeting. Please attend these meetings and share your thoughts.

[End of public hearing]

Task Force to Reimagine Policing in Brookline

Final Report



Final Report unanimously adopted on February 26, 2021

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Executive Summary

Abstract

Last summer, Americans filled the streets in cities across the country to protest police violence against African-Americans. The protests raised the question in communities everywhere, including in Brookline: does our police department treat all citizens equally, regardless of their race or ethnicity? And if not, how can we fix it?

Since the summer, and in line with the commitments made when we raised a Black Lives Matter banner outside Town Hall, the Task Force to Reimagine Policing in Brookline has sought answers to these questions. We have found both positive news – that overall the public is satisfied with the police – and alarming news – that Black and Latinx residents of Brookline feel discriminated against and fear being victims of police brutality at levels far higher than white residents.

Through our research, this Task Force has found disturbing patterns in traffic stops, wherein nonwhite motorists are not only disproportionately likely to be stopped but disproportionately likely to be ticketed when they are stopped.

Through our research, the Task Force has found that the Brookline Police is a constant presence in spaces in town where racial minorities are present. Without any public process, the Police Department and School Department agreed to have an armed School Resource Officer (SRO) stationed in Brookline High School. Without any public process or requirement by law, the Walk and Talk unit patrols Brookline's public housing and charges the Brookline Housing Authority for doing so.

Through our research, the Task Force is making several recommendations. Our community needs social services, but it needs them from trained social service professionals, not from police officers. We recommend closing down the SRO and Walk and Talk programs and creating a new social service department.

Where police are needed, we recommend greater oversight, transparency, and accountability. This proposal is grounded in our survey which shows that a super-majority (77%) of Brookline residents believe the Town should have a civilian oversight board with investigative powers.

Background

There is a disturbing history of policing in America. From the days of slave patrols until today, policing has been used to exert control over people of color, immigrants and poor people. This history has been well-chronicled and is critical to understanding the need for reimagining. As a primer, we encourage you to read the New Yorker piece, The Invention of Police.

More proximally, our Task Force was constituted as a direct result of the righteous multiracial, multigenerational uprising demanding greater oversight and accountability of police. This uprising followed the killings by police of George Floyd, Breonna Taylor and so many other Black, Latinx and Indigenous people.

Those who have studied inequities in policing understand how even the best-intentioned reforms decade after decade have failed to make policing safe, just and equitable, especially for communities of color. The bottom line is that police reform has failed communities of color and therefore society as a whole. Reform alone has only a marginal impact, at best.

The current need for reimagining is not solely about what happened many years ago or a thousand miles away in Minneapolis or Louisville or Ferguson. This work necessarily focuses on policing right here in Brookline. It is also in response to the many disrciminaton complaints in Brookline – those that have been formally filed and the many more that have been shared in other ways – including by two of Brookline's own, now former, Black police officers.

We understand that there are many people in this community who have only had good experiences with the Brookline Police Department, but, as one insightful commenter said at one of our public hearings, "Your good experience does not cancel out someone else's bad experience."

There is a certain human tendency to believe that something is not a problem because it has not been a problem for us. The eleven members of our Task Force do believe inequitable policing is a problem in Brookline, and we are not alone.

We are joined by Brookline's Anyaosah family, whose daily peaceful protests along Route 9 brought hundreds of residents to join them and then hundreds more at protests across from the Brookline Police Department.

We are joined by Brookline's Lexi Harriman, hundreds of BHS students, and thousands of residents and neighbors who took to the streets, peacefully, to share their stories of local issues with policing – right here in Brookline – demanding justice and accountability.

For anyone who attended these events and others like the Humanize Black Voices event led by young people on Cypress Field, the evidence is clear – yes, there is a problem here.

In June 2020, Brookline's Select Board in the midst of public outcry made a symbolic gesture, shifting $166,000 in police overtime to other purposes related to social services. Soon after, Town Meeting rejected more substantive cuts to the police budget, with many citing the need to know more about how those funds could better be spent.

Select Board Member Raul Fernandez had, prior to the Select Board and Town Meeting votes, proposed a reimagining of policing and public safety more broadly. One that would explore, propose, and recommend investing in alternatives to policing, where appropriate.

There were several key tenets embedded in that proposal:

First, that a community holds the power to determine its own approach to community safety, which includes determining if and how police should be part of that approach.

Second, that there are members of our community and those in our neighboring communities for which Brookline's current model is simply not working. That is unacceptable.

Third, that police need to be held to the highest standards and we need clear accountability measures for what happens when officers fail to live up to those standards.

And finally, that this moment is an opportunity to rethink our relationship with police, yes, but also to reconsider how we invest in the long-term wellbeing of residents and neighbors.

Select Board Member Fernandez first shared that proposal publicly on June 3rd. After a contentious Town Meeting season and weeks of debate on the Select Board, the proposal for a Task Force to Reimagine Policing in Brookline, after first being rejected by the Select Board in its current form, later passed unanimously on July 21st.

The Select Board decided to create two bodies that night – a committee focused on reform, chaired by Select Board Chair Bernard Greene, and a task force focused on reimagining our approach to public safety, chaired by Select Board Member Fernandez.

Task Force Charge

The Task Force to Reimagine Policing in Brookline was charged to explore and recommend new approaches to public safety and policing in Brookline, utilizing a data-informed approach to interrogate our current model and provide a distinctly alternative approach to public safety.

The eleven members of the group exceeded the criteria for diversity as outlined in the charge, that at least half would be people from communities disproportionately impacted by policing.

There were six members of color including one Latinx, two Asian, and three Black members, as well as five women, and one transgender member. Immigrants and one Brookline Housing

Authority resident were included among our members. As a group, we represented a wide variety of ages, identities, and experiences.

More information on the charge and members can be found in the appendix of the full report.

Process

The Task Force held weekly meetings for six months, from August 28, 2020 to February 26, 2021. These meetings were all publicly noticed and held through Zoom due to the ongoing pandemic and live streamed by Brookline Interactive Group. Recordings of these meetings and our subcommittee meetings are available on our page on the Brookline website.

We arranged ourselves into five subcommittees, including:

- Envisioning / Community Engagement
- Departmental Analysis
- School Resource Officers
- Walk & Talk Unit
- Vulnerable People & People in Crisis

More information on the work of these subcommittees is available in the full report.

We sought community feedback and expert input in a number of ways. One was through a survey in partnership with Tufts University through which we sent invites to 25,000 Brookline residents and received 1,343 responses. We also held seven public hearings where we heard from scores of residents and received comments through email from many more. Task Force members also held numerous conversations with residents, content experts, elected officials, members of the police department, and other key stakeholders.

More details on our approach to community engagement is available in the Envisioning / Community Engagement subcommittee report as well as other subcommittee reports. Also included is the raw survey data as well as our full methodology, findings, and conclusions.

Survey Findings

1. Brookliners generally have positive views of the police force. That said, Black and Latinx residents have had more negative experiences with the Brookline Police and would feel less comfortable than whites and Asians in calling the police if they needed help.

2. Compared to white residents, Black residents are *forty-eight times* more likely to feel discriminated against by police on the basis of race.

3. Respondents across racial groups perceive discrimination on the part of the Brookline Police department against Black and Latinx residents.

4. The majority of Brookline residents do not believe the department effectively holds its officers accountable.

5. There is widespread support for the Town utilizing social service workers rather than the police in scenarios where the risk of physical conflict is low.

6. A super-majority of Brookline residents (over three-quarters) believe the town should have a civilian oversight board with investigative powers.

7. Brookline residents overwhelmingly favor increasing police oversight, transparency, and accountability, while limiting their scope of duties and use of force powers.

Additional Findings

1. There is no comprehensive vision for public safety provided by the Town or information on how Brookline works to ensure that public safety resources are delivered equitably.

2. What are characterized as “collaborative” efforts between the Police Department and other bodies often lack appropriate buy-in from the communities they claim to be collaborating with.

3. The Police Department has not been capturing all field interrogations or vehicle stops in the data presented in its annual reports. Logging those stops is at the discretion of the officer.

4. 86% of motorists stopped in Brookline are <u>not</u> Brookline residents.

5. Based on data provided by the Police Department and an analysis of traffic patterns provided by Brookline’s Transportation Administrator, we found that Black motorists are disproportionately more likely to be stopped by police.

6. Compared to white motorists, motorists of color – especially Asian Americans – are significantly more likely to receive tickets rather than warnings when they are stopped.

7. There are almost no stops where a simple stop (basic speeding, failure to signal) leads to getting a gun or a dangerous person off the streets in Brookline, dispelling one narrative used to support police conducting traffic enforcement.

8. Police units like the School Resource Officer and Walk & Talk units were established without any public process or measurable outcomes.

9. While police have been in Brookline schools dating back to the failed DARE program, an MOU between the Police and School departments was not signed until 2019. That agreement was signed by Police Chief Andrew Lipson and Interim Superintendent Ben Lummis – neither of whom are in those roles today.

10. Prior legislation did not require SROs to be located *within* schools, as is the case at BHS. Legislation passed in the State House at the end of 2020 has now eliminated the requirement for communities to have any School Resource Officers.

11. There has never been an MOU between the Brookline Housing Authority and the Town of Brookline since the founding of the Walk & Talk unit in 1992. This is despite annual $15,000 payments being made from the BHA to the Police Department over many years,

12. While research shows that Crisis Intervention Team training is an effective program to teach police officers how mental health issues can impact crisis interventions, the impact of CIT training on changing police behaviors is largely unknown.

13. While there are community-based resources focused on mental health in Brookline, none of them focus on pre-crisis services, which comprehensively address underlying inequities.

Additional findings are continued in our subcommittee reports.

Recommendations

Our recommendations envision a more innovative, forward-thinking Brookline. One focused on community-driven processes which are both respectful and supportive of low-income people and communities of color. One which increases police oversight, transparency, and accountability while limiting their scope of duties. One which shifts precious and limited resources away from programs that merely address the symptoms of inequities to investing in those that address the root causes of those inequities. One which affirms its responsibility and takes great pride in working collaboratively toward a just, safe, and equitable community.

Envisioning/Community Engagement

The Task Force recommends that Brookline adopt a community-driven model of engagement, particularly focused on youth and traditionally under-engaged communities, by hosting smaller trust-building conversations and eliminating programs which provide more benefit to the Town than to these communities.

1. Implement a child-centric vision of Public Safety that (beyond Police and Schools) builds on the great work of departments like Recreation and Transportation and directs more funding to youth-centered programs.

2. Launch a website that provides a comprehensive vision for public safety and provides resources for the community.

3. Develop a community-driven model for safety and justicethat centers the voices of the communities closest to public safety issues to identify priorities and generate solutions.

4. Eliminate community programs that are or may be perceived as one-way relationships, providing more benefit to Town departments than the community.

5. Rather than relying on public hearings as the primary approach for soliciting input, Brookline's boards should engage in more small group trust-building conversations.

Departmental Analysis

The Task Force recommends reorienting the method by which the Town oversees the Police Department and provides input about current practices and new innovation. Citizen oversight must play a central role. Citizen input and oversight should occur both informally and formally. Based on continued evidence of racial bias in traffic enforcement, we are also recommending the filing of a Home Rule petition to permit traffic enforcement by civilians.

1. The Brookline Police Department should participate in a minimum of six public meetings annually in which residents can ask questions and offer suggestions.

2. The Brookline Select Board should appoint a permanent police oversight committee with the powers to investigate civilian complaints and approve mutual aid agreements, anti-bias training, and other major department policies.

3. The Brookline Police Department should conduct more data collection and analysis and communicate this data to the public. There should be more data collection and transparency about evaluations and promotions in relation to performance and training.

4. The Brookline Police Department mission statement should explicitly include an affirmation of equal treatment of all people, regardless of race or ethnicity. It should include a hyperlink to file a complaint.

5. Brookline should file a Home Rule petition in the state legislature to permit certain limited traffic enforcement functions to be fulfilled by civilians.

School Resource Officers

The Task Force recommends removing School Resource Officers from schools. They are not trained educators and using them in service of educational purposes undermines the pillars of safety and community that are necessary for students to thrive in our schools.

1. The Brookline Select Board or School Committee should remove SROs from schools.

2. If these bodies are determined to keep the SRO positions, it must be after engaging in an authentic reauthorization process prior to the start of the 2021-22 school year.

Walk & Talk

The Task Force recommends eliminating the Walk & Talk Unit. It is a relic of failed policies of the past which overpolice low-income communities, especially communities of color. It spends precious municipal dollars to provide some ancillary services to a handful of residents instead of investing those funds into directly addressing the critical needs of our residents.

1. The Brookline Select Board or BHA Board of Commissioners should eliminate the Walk & Talk Unit.

2. The Brookline Select Board should increase engagement with BHA residents to better understand the challenges they are facing and to collaboratively envision new solutions.

3. Develop a website that provides access to available social services and other resources and centralizes the community's advocacy and visioning work around public safety.

Vulnerable People & People in Crisis

The Task Force recommends that the current model of police as first responders in nonviolent crisis interventions be replaced with a community-based crisis model like the successful CAHOOTS program, which is a decades-old success in Eugene, Oregon. This would add a well-trained civilian component to our crisis response model. This program would be managed through a new social services department that we are currently calling Brookline Forward.

1. The Brookline Select Board should enter into a consulting contract with CAHOOTS to develop a community-based crisis model that works best for Brookline.

2. Implement additional pre-crisis services to assist people in order to prevent crisis, and to support people who might be struggling with isolation, homelessness, mental health issues, and/or substance use.

3. Implement additional follow-up services to support people after a crisis occurs, including family supports, childcare options, housing supports and resources, vocational training, access to medical care, food security, etc.

4. Better publicize existing social services through a centralized Brookline website and a public education campaign.

5. Form a new social services department to coordinate existing Town services, partner with local agencies to enhance collaboration, and develop programs which address long-standing inequities in Brookline. A description of this department is on the next page.

Brookline Forward

The Task Force proposes the creation of a new social service department in Brookline. It will address gaps in our social safety net that are currently being addressed through policing. The focus of this department would be to address the symptoms as well as the root causes of the inequities outlined below. The name Brookline Forward is a placeholder.

Brookline Forward will provide residents with the support they need to thrive. A new, innovative department of the Town of Brookline, Brookline Forward will partner with the Brookline Housing Authority, Public Schools of Brookline, Brookline Senior Center and local social service agencies to deliver timely, critical services, while conducting research, analyzing data, and implementing programs designed to counteract economic, health, and other inequities deeply rooted in racism, sexism, ageism, and other forms of oppression.

Brookline Forward will bring together existing offices under one umbrella including the:

- Office of Diversity, Inclusion & Community Relations;
- Council on Aging; and
- Office of Veterans' Services.

While establishing new offices including:

- Youth & Family Services;
- Community-Based Crisis Response;
- Immigrant & Refugee Services; and
- Economic Equity.

Brookline Forward will also provide staff support for the:

- Domestic Violence Roundtable;
- Commission for Women;

- Brookline Commission on Disability; and
- a new council on LGBTQIA+ Inclusion.

Brookline Forward will also partner with other Town departments as necessary to meet community needs. This includes working with Health & Human Services to develop a mental health incident response team, with the Building and Fire Departments to ensure residents are living in safe housing, and with the Police Department on diversion efforts for youth.

Brookline Forward will be funded by municipal dollars, including funds shifted from the Police Department, as well as local, state, and federal grants.

In addition to existing personnel, new staff at inception may include one administrative and three professional staff members as well as a new Commissioner to lead the department.

Survey: Public Attitudes about the Police Department in Brookline, Massachusetts

January 25, 2021

Acknowledgments

The data analyzed in this report comes from a study conducted by Professor Brian Schaffner of Tufts University. Professor Schaffner designed and administered the survey. The survey was approved by the Tufts University Institutional Review Board, which reviews research involving human subjects.

Professor Schaffner initially designed his study with the intent on surveying residents of Medford and Somerville. Upon learning of his study, the Select Board's Task Force to Reimagine Policing in Brookline asked Professor Schaffner to extend the study to Brookline. Brookline paid Tufts University $15,000 to cover the costs of printing, postage, and labor to conduct the Brookline portion of the study.

After respondents submitted their answers to the survey questions, Professor Schaffner transmitted the raw, de-identified data file to Professor Eitan Hersh, who is political science professor at Tufts as well as a Brookline resident and member of the Task Force to Reimagine Policing in Brookline. Professor Hersh conducted the data analysis and wrote this report as part of his volunteer role on the Task Force.

Methodology

Brookline residents were identified based on a town census file. Twenty-five thousand (25,000) individuals listed as adult residents of Brookline were sent a letter on Tufts University stationary. The letter contained an invitation to take an online survey. The letter contained a unique code so that only individuals who received letters could participate in the survey. In a handful of cases, individuals contacted a member of the Taskforce or Professor Schaffner and said they wanted to fill out the survey but they accidentally threw away the letter. In these cases, Professor Schaffner provided the individuals with their unique code.

In surveying residents, the sample was stratified in order to oversample African-Americans and Latinx residents. Professor Schaffner employed an algorithm that uses residents' names and Census blocks to estimate the probability that they are a member of various racial groups. Any resident whom the algorithm predicted has a 10 percent chance or greater of identifying as Black, Hispanic, or a race other than Black, Hispanic, White, and Asian was included in the sample. Asians were not oversampled because Asian identifiers make up a sufficiently large proportion of the town residents that many Asian residents would be solicited through random

sampling. In addition to the algorithm, Professor Schaffner sampled all residents living in addresses identified as part of the Brookline Housing Authority.

The oversample of public housing residents and residents predicted as not White and not Asian included 8,586 names. The remainder of the 25,000-person sample was a simple random sample of all other Brookline adult residents. Prior to mailing any residents, however, Professor Schaffner removed individuals who were listed according to public records as having moved out of Brookline. This was done through the U.S. Post Office's National Change of Address registry. Any resident who was listed as having moved was replaced in the sample by another resident randomly selected from town residents.

The mailers began arriving at the homes of Brookline residents on November 23, 2020. As of January 13, 2021, 1,343 individuals responded, yielding a response rate of 5.4%.

The final sample was weighted to be representative of Brookline adult residents. Professor Schaffner calculated propensity score weights to match the profile of adults according to their age, party affiliation, and precinct. A second stage of weighting used calibration raking to ensure that the sample was representative of Brookline residents on gender, race/ethnicity, and education (based on the most recent Census estimates).

Demographics

Respondents were asked to identify their racial group. They could select one or more of the following categories: White; Hispanic, Latino/Latinx, or Spanish origin; Black or African American; Native American/American Indian/Indigenous or Alaskan Native; Asian; Native Hawaiian or Pacific Islander; Middle Eastern or North African; Another race, ethnicity, or origin.

Of 1,343 respondents in the sample (unweighted), 1,151 identify as white, 37 identify as Black, 57 identify as Latinx, 102 identify as Asian, 10 identify as Native American, 3 identify as native Hawaiian or Pacific Islander, 27 identify as Middle Eastern or North African, and 43 identify as other. Of those who identify as other, they were asked to enter text to describe their race. The majority of these individuals identify as Jewish. Others identify specific countries of origin (e.g. "Indian", "Brazilian"). Some respondents identify as more than one racial group.

For the purposes of this analysis, I will focus on those who identify in four racial groups. I define White as those who identify as White and do not identify with another racial group. I define Black as those who identify as Black or African American. I define Latinx as those who identify as Hispanic, Latino/Latinx, or Spanish origin. And I define Asian as those who identify as Asian.

Thirty-four percent (8,586/25,000) of the survey solicitations went either to residents of public housing or to individuals predicted to be in a non-Asian racial minority group based on their name and geography. Of the 1,343 respondents, 24.2% (326) come from this oversampled pool. Whereas 83% of respondents in the general sample identify as white, 70% of respondents in the oversample identify as white. Note again, that name-based oversample included anyone whose name suggested they had a 10% chance or more of being in a non-Asian minority group.

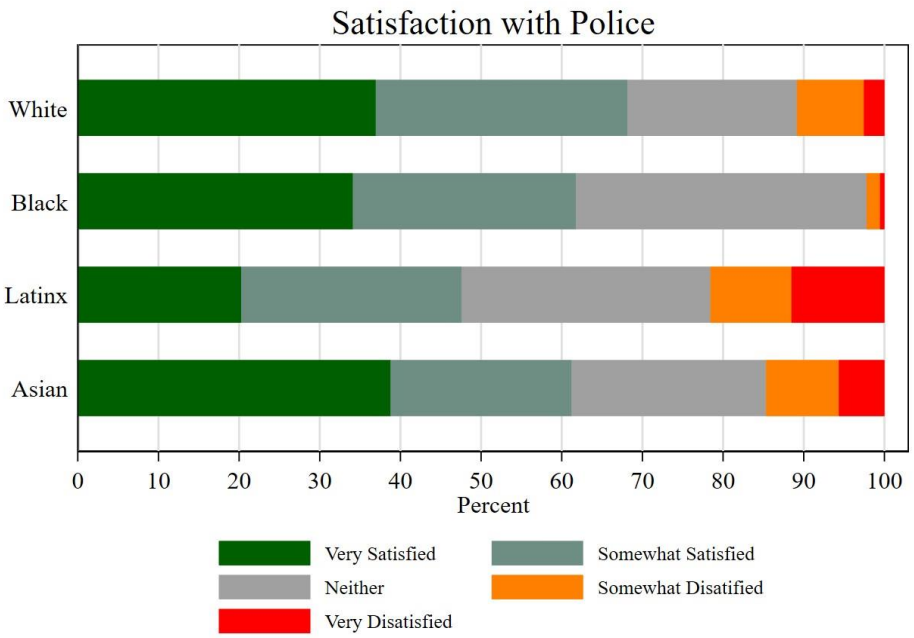
Other demographics. By gender, 53% of respondents identify as women, 46% identify as men, and 1% identify as other. By education, 94% of the respondents (again, unweighted) hold at least a bachelor's degree. By age, the median respondent is 52 years old. A quarter of the respondents are between 18-33. A quarter of the respondents are older than 66. 288 respondents report being the parent or guardian of a child under 18, and 237 of these respondents report having a child currently enrolled in school.

For the remainder of the report, I will utilize the weights to make the sample as representative of the town population as possible. Whereas the unweighted sample is 80% white, 3% black, 4% Latinx, 8% Asian, and 6% other, the weighted sample is 69% white, 4% black, 7% Latinx, 18% Asian, and 3% other.

Overall Impressions

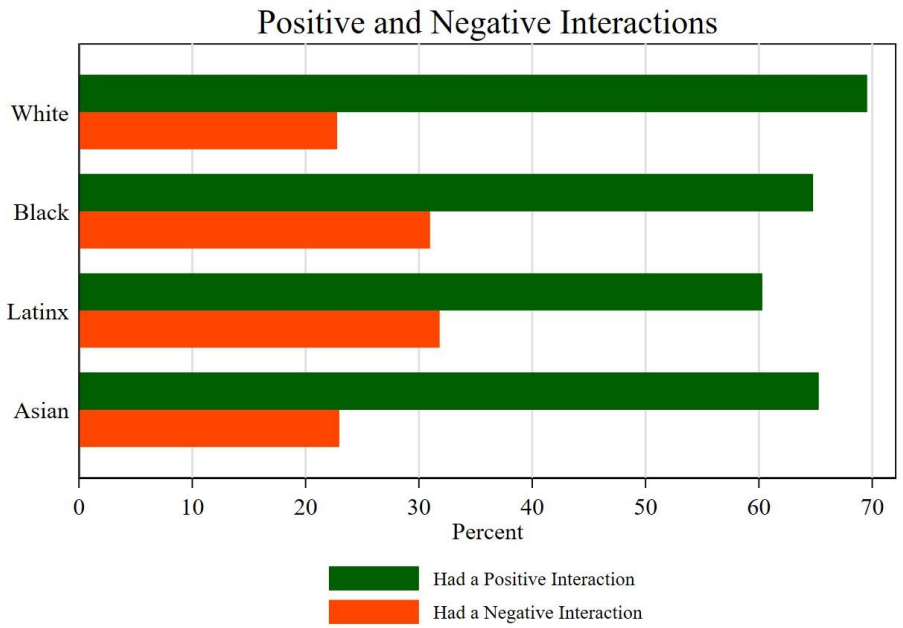
Respondents were asked about the overall satisfaction with the job done by the Brookline Police Department. Responses by racial group are displayed in Figure 1. Overall, 12% of the public is dissatisfied with the police department, compared to 65% who are satisfied. Across most racial groups, the majority of respondents are satisfied. The exception is Latinx identifiers, who hold the most negative views toward the police department. Over 20% of Latinx identifiers are somewhat or very dissatisfied with the police.

FIGURE 1



In Figure 2, respondents report whether they have ever had a positive experience and whether they have ever had a negative experience with the Brookline Police. Latinx and Black identifiers are 8-9 percentage points more likely to have had a negative interaction than Whites or Asians. They are also less likely to report having had a positive experience.

FIGURE 2



Respondents were separately asked if they have family members or friends who have had a negative experience with the Brookline Police. Twenty percent of white identifiers said yes. Similarly, 19% of Asians said yes. A higher rate of Blacks (25%) and Latinx (30%) said yes, that they have family or friends who have had a negative interaction with the Brookline Police.

Respondents were asked if language has been a barrier to communication with a Brookline police officer. Overall, just 1% of respondents said yes. But the rate is higher (5%) for Latinx identifiers.

The survey invited respondents to describe, in their own words, the positive and negative interactions they have had with the Brookline Police. Interested parties can find those individual responses in the public data file that accompanies this report.

Respondents were asked if the Brookline Police make them feel safe or unsafe. Of white respondents, 10% reported feeling somewhat or mostly unsafe. For black respondents, 4% respondents felt unsafe. For Asians, 7% reported feeling unsafe. A greater share of Latinx identifiers – 16% - reported that the Brookline Police make them feel somewhat or mostly unsafe.

Respondents were asked if they would feel comfortable calling the Brookline Police if they needed help. Two thirds of White (65%) and Asian (65%) identifiers reported they would be very

comfortable. Only 48% of African-Americans and 52% of Latinx respondents said they'd be very comfortable.

Respondents were asked for the impression of how effective the Brookline Police are in various roles. Those roles include (1) ensuring public safety, (2) fighting crime, (3) making residents feel safe, (4) holding police officers accountable, and (5) developing relationships with members of the community.

Overall, Brookline residents believe the Police Department is effective at ensuring public safety (91% agree), effective at making residents feel safe (88% agree), and effective at fighting crime (91% agree). Sixty-eight percent believe the Department effectively builds relationships with the community. However, the majority of respondents (58%) do not believe the Brookline Police is effective at holding officers accountable.

Recent Interactions with the Police

The frequency of interaction with the Police Department varies considerably by racial identity, with African-Americans reporting the most interactions. Respondents were asked how many times in the past year they interacted *informally* with the Police Department regarding something other than criminal activity. For white respondents, 46% answered none. For Asian respondents, 53% reported none. For Latinx respondents, 64% reported none. And for Black respondents 28% reported none.

More than a third of African Americans (37%) reported five or more informal interactions with the police in the last year, compared to 12-14% for Asians and Whites, and 4% for Latinx respondents.

Black respondents were slightly more likely than other racial groups to report contacting the Brookline Police in the past year to report criminal or suspicious activity. Among residents of all racial groups, 15% of respondents said they called the Police to report criminal/suspicious behavior. This includes 15% for white respondents, 12% for Asian respondents, 16% for Latinx respondents and 24% for Black respondents.

Respondents were asked whether Brookline police officers have ever physically struck them, handcuffed them, tasered them, pointed a gun at them, restrained them on the back of a car, pushed them to the ground, used tear gas on them, or searched their car/residence without permission. These occurrences are very rare and are concentrated in Black and Latinx identifiers. Whereas 1% of white respondents and 2% of Asian respondents reported these interactions, 5% of Latinx respondents and 6% of Black respondents reported them. The most common of the occurrences, though still rare, are reports of being handcuffed and having one's car or residence searched without permission.

Perceptions of Discrimination

Survey respondents were asked if they ever felt discriminated against by the Brookline Police on account of (1) race, (2) gender, (3) sexuality, (4) economic status, (5) religion, and (6) ability to speak English. Overall, 3% of respondents feel that the Brookline Police have discriminated against them on the basis of race or gender, 1% on the basis of sexuality, 2% on the basis of economic status, and less than one percent on the basis of religion or the ability to speak English.

However, responses vary considerably by racial group, particularly with respect to perceived discrimination on the basis of race, gender, and economic status.

Essentially no White identifiers (0.5%) feel they have been discriminated against by the Brookline Police Department on account of their race. In comparison, 5% of Asians, 12% of Latinx, and 24% of Black respondents report they have felt discriminated against by the Brookline Police on account of their race.

African-American respondents are significantly more likely to feel discriminated against on the basis of gender, with 7% reporting feeling this way. That compares to 3% for White and Latinx respondents, and 1% for Asians.

African-American respondents are far more likely to feel discriminated against on the basis of economic status. While 13% of African-Americans perceive economic discrimination by Brookline Police, only 2% of Whites and Asians and 3% of Latinx respondents report feeling this way.

When asked if they ever feel worried about being the victim of police brutality, 2% of White respondents say somewhat or very often, 6% of Asians report somewhat or very office, 22% of Latinx respondents say somewhat or very often, and 35% of Black respondents report somewhat or very often.

When asked if they believe that the Brookline Police “equitably serve the interest of all people, regardless of race, ethnicity, religion, gender, citizenship status or class,” the respondents are split evenly, with 49% reporting yes and 51% reporting no. Black and Asian respondents are more likely to agree with this statement, with 56% of Blacks and 57% of Asians believing the police serve all equitably, whereas fewer Whites (47%) and Latinx (43%) believe the police serve all equitably.

Perceived Racial Discrimination – in-group and out-group

Respondents were asked if they thought that four racial groups – White, Black, Hispanic, Asian – were treated fairly or unfairly by the Brookline Police Department. One percent of respondents thought Whites were treated unfairly. Fourteen percent of respondents though Asians were treated unfairly. Perceived unfair treatment against Latinx and Black people was much higher.

Thirty-seven percent of respondents thought that Hispanics are treated unfairly by the Brookline Police. Latinx respondents themselves were far *more likely* than any other racial group to report unfair treatment. That is, 48% of Latinx respondents perceived unfair Brookline Police treatment of Hispanics, compared to 37% of Whites, 32% of Blacks, and 33% of Asians perceiving unfair treatment of Hispanics.

The racial group most viewed as being the recipient of unfair treatment by the Brookline Police is African-Americans. In total, 45% of respondents believe the Brookline Police treats Black people unfairly. However, Black respondents themselves are least likely to perceive this, with 34% reporting unfair treatment. In comparison, 46% of whites, 53% of Latinx, and 42% of Asians perceive unfair treatment toward African-Americans by the Brookline Police.

Complaint Process

If they have a complaint about a police officer, would respondents know how to file a complaint? For most respondents (63%), the answer is no. Sixty to seventy percent of Whites, Latinx, and Asians report not knowing how to file a complaint. However, a majority of Black respondents (58%) report knowing how to file a complaint.

Would respondents feel comfortable filing a complaint? Most (59%) say yes. Comfort level ranges from 47% of Asians feeling comfortable, 60% of Whites and 63% of Latinx feeling comfortable to 72% of African-Americans feeling comfortable.

Children and School

Parents and guardians of children under 18 were asked about the relationship between their children and the Brookline Police. They were asked: “Thinking about your oldest child under the age of 18, how comfortable would you say they are with the police?” Of the 231 respondents who answered this question (because they have kids under 18), 77% report their child is comfortable with the police, 4% said their child is uncomfortable, and 18% report neither comfortable nor uncomfortable.

Of parents with children in schools, 14% report that law enforcement officers are stationed in the school, 47% say officers are not stationed at the school, and 39% are not sure. Of those reporting that officers are stationed in their child’s school, 79% report being comfortable with the officer’s presence, 13% report being uncomfortable, and 7% are neither comfortable nor uncomfortable. Of respondents with children, only 2% report the child involved in a disciplinary action involving the police.

Methods of policing

Which methods should be permissible?

What tactics should the Brookline Police be permitted to use in order to ensure public safety? Respondents were asked about several tactics and asked if they approved of their use by the police. These include pepper spray, physical strength (hand control), choke holds, impact weapons (batons), tear gas, tasers, restraint devices (handcuffs and zip ties), K-9 dog bite-and-hold, beanbag munitions (rubber bullets), and firearms.

A clear majority of Brookline residents only supports two of these methods as being permitted by police: physical strength (74% support) and restraints such as handcuffs (87%). Respondents are fairly evenly split on pepper spray (52% support) and tasers (52% support). Forty-three percent support the use of firearms, 37% support the use of impact weapons, 32% support rubber bullets, 29% support K-9, 23% support tear gas, and 5% support choke holds. Support for these various tactics vary by racial groups. African-America respondents show the *highest support* for most of these tactics. Black respondents are less likely (3% vs 9%) as the full sample to believe that the Brookline police should use none of these tactics. Latinx respondents are more likely (16% vs 9%) to believe Brookline police should use none of these tactics.

Methods to reduce deadly force

What tactics would reduce interactions with police that result in deadly force? Respondents were asked to consider nine tactics. Respondents thought several tactics would be quite effective. Having officers attend de-escalation training is something that 91% of the public thought would be effective. Having officers wear body cameras was thought to be effective by 88% of respondents. Eighty-seven percent thought banning chokehold would be effective. And 84% believe diversifying the ranks of the Brookline Police Department would be effective.

A majority of respondents also believe that ending the federal program that sends military surplus equipment to police departments (71%), racial bias training (77%), and educating police officers about the history of police departments (59%) would all be effective at reducing interactions that result in deadly force.

The survey asked about two bigger reforms as well: reducing the police department's funding by at least 10% and abolishing the police department altogether. Respondents largely do not believe these are effective tactics. A third (34%) believe reducing funding would be effective and 15% believe that abolishing the police department would be effective.

In line with perceptions of policing methods, African-American respondents are least likely to support ideas like abolishing the police department (8% believe this would be effective at avoiding deadly force), and Latinx are most likely to support the idea (26% support). White respondents (15%) and Asian respondents (15%) are in the middle.

Circumstances better handled by social workers

In some situations, it is possible for either police or social service workers (e.g. social workers, mental health professionals) to respond to a public need. Respondents were asked to consider seven scenarios and think about whether the scenario is better suited to police response or social service worker response.

In two of the scenarios, one in which an individual is armed and one in which there is a robbery or theft, the public has a clear preference for police. In the case of a robbery, 97% say the police would be the right response. In the case of an armed individual, 92% list the police. Another 7% list police as well as social service workers should respond to the call.

In other scenarios, the public's preference favors social service workers over the police. For instance, in responding to a situation with a person who is intoxicated or has overdosed, 28% think the police should respond, 58% think social service workers should respond, and 14% think both should respond.

In responding to someone experiencing a mental health crisis or is suicidal, 4% think the police should respond, 83% think social service workers should respond and 12% think both should respond. In dealing with a homeless person, 5% think the police should respond, 88% think a social service worker should respond, and 8% think both should respond. In dealing with a dispute among neighbors or a disorderly minor, 23% think police should respond, 64% think a social service worker should respond, and 13% think both should respond. In dealing with a case of domestic violence or abuse, 42% think the police should respond, 26% think social service workers should respond, and 31% think both should respond.

In most of these scenarios, particularly those that are noncriminal, the public overwhelmingly favors social service workers responding rather than police. In most cases (domestic violence, neighbor dispute, homeless, intoxication), African-Americans in the sample have stronger pro-police preferences than other racial groups.

Police Budget

Brookline taxpayers spend $17 million on the police department each year, or 5.6% of the town's budget. Respondents were informed of these statistics and asked if they think the budget should be increased, decreased, or kept the same.

Overall, 11% of respondents thought the budget should be increased, 45% thought the budget should be kept the same, and 45% though the budget should be decreased.

Among white respondents, 44% think the budget should be decreased and 10% think it should be increased. Among Black respondents, 39% think the budget should be decreased and 25% think it should be increased. Among Latinx, 63% think it should be decreased and 6% think it should be increased. Among Asians, 41% think the budget should be decreased and 11% think it should be increased.

Oversight

Some communities have oversight committees in which residents review police actions and evaluate complaints against the department. Respondents were asked if they think Brookline should consider having a civilian oversight board of this kind. Of all respondents, 77% said yes, 7% said no, and 16% said they were not sure.

The survey respondents would like this committee to have some roles but not others. Some 87% would want the committee to be able to investigate allegations of excessive force and abuse. And 76% would like the committee to have the power to investigate police shootings. A clear majority also want the committee to have the power to set policing priorities (66%) and to evaluate the disciplinary process against officers who are in violation of laws or policies (68%).

For other roles, the majority of Brookline residents oppose or have more mixed views. Only 17% would grant such a committee power to hire officers and 38% would grant the commission the power to fire police officers. Just over half (52%) would favor the committee setting police policies, such as the use of force policy. About a quarter (29%) favor the committee empowered to negotiate police contracts.

Additional measures for transparency

Respondents were asked if they support measures that would increase transparency in the Brookline Police Department's operations. Would they support making public "the details of the department's internal process in addressing violations of conduct and crimes committed by officers?" 81% of Brookline residents agree. Would they support a public listing of all complaints against Brookline officers and disciplinary actions taken in response to complaints? 76% of Brookline residents agree. Would they support making a public listing of all weapons carried by each patrol unit? 57% of Brookline residents disagree. Would they support including community members in the process of investigating police misconduct? 76% agree.

Conclusions

This survey, based on the recorded responses of over 1,300 residents of Brookline, identifies a clear set of problems with respect to the Brookline Police department and a clear direction for the future.

To be sure, the Brookline public has generally positive views of the police force. That stated, African American and Latinx residents have had more negative experiences with the Brookline Police and would feel less comfortable than whites and Asians in calling the police if they needed help.

It is very rare for white residents of Brookline to feel discriminated against by the Brookline police, on the basis of race or gender or economic status. But perceptions of discrimination along these lines are common among minority residents, especially African Americans. Compared to white residents, Black residents are twice as likely to feel discriminated against by

the Brookline Police on the basis of gender, eight times more likely to feel discriminated against on the basis of economic conditions, and *forty-eight times* more likely to feel discriminated on the basis of race.

African American and Latinx residents are, respectively, 17 times more likely and 11 times more likely than white residents to worry about being a victim of police brutality.

Respondents across racial groups perceive discrimination on the part of the Brookline Police department against Black and Latinx residents. Half of the respondents do not believe the Brookline police treats all citizens equitably. While almost no respondents believe that the Brookline Police treats white residents unfairly, 14% believe Asians are treated unfairly, 37% believe Hispanics are treated unfairly, and 45% believe African Americans are treated unfairly.

The majority of Brookline residents do not believe the department effectively holds its officers accountable.

The survey has shown widespread support for efforts to limit the use of deadly force by the Brookline police. The survey shows widespread support for the town utilizing social service workers rather than the police in scenarios where the risk of physical conflict is low. A super-majority of Brookline residents (over three-quarters) believe the town should have a civilian oversight board with investigative powers.

Envisioning and Community Engagement Subcommittee Report

I. Introduction

A. Mission

The envisioning and community engagement subcommittee was formed to assess and engage the Brookline community on its perspectives, attitudes, needs, and wants regarding public safety. The charge of this subcommittee is to ensure that the attitudes and perspectives of both white residents and residents from communities of color are thoughtfully included in the recommendations, applying a racial equity lens to analysis of current practices and recommendations for improvement.

B. Members

Bonnie Bastien
Malcolm Cawthorne
Eitan Hersh
Chi Chi Wu
Kristan Singleton, subcommittee chair

II. Acknowledgements

Discussions of policing and public safety rightfully surface strong emotional responses. For some, the discussions can activate memories of recent or distant trauma. For others, the discussions can raise the prospect of loss of protection or security from trusted public institutions and systems. Throughout its tenure, our subcommittee was specifically focused on the principle *that no one wants their safety taken away* and sought insights from the community to help us make recommendations that are consistent with that principle.

As a subcommittee, we would like to take the opportunity to acknowledge the following individuals and groups:

Residents in units of the Brookline Housing Authority for sharing generously of their time in "Go Small" conversations to help us understand some of their perspectives on policing and public safety in Brookline.

Brookline for Racial Justice and Equity (BRJE) and **Brookline Budget Justice (BBJ***)* for assisting the subcommittee in piloting and refining the discussion protocol for our "Go Small" conversations.

Officer David Pilgrim of the *Walk & Talk* Unit and **Lieutenant Jennifer Paster** of the *Community Service Division* of the Brookline Police Department for helping us to understand the department's community service focus and priorities.

Former Chief of Police Dan O'Leary for connecting us with resources and materials within the Brookline Police Department

Alicia Adamson, Director of the Brookline Teen Center for speaking with us about their programs and needs to serve the children of Brookline

Leigh Jackson, Director of Brookline Recreation for speaking with us about their programs and needs to serve the children of Brookline

III. Insights from the Town Survey on Policing

The Task Force for Reimagining Policing conducted the survey and analysis "Public Attitudes about the Police Department in Brookline, Massachusetts " to inform its work in making recommendations to the Town of Brookline and the Select Board. As a brief recap of the design of the policing survey and its methodology, 25,000 Brookline residents were sent a survey via postal mail starting on 11/23/2020. Of the 25,000 residents selected for inclusion in the survey, one third of the people selected to receive the survey were targeted as likely Black, Latinx, or "Other" (meaning non-white or non-Asian). [In the survey, the racial group descriptors used were White, Black, Asian, or Hispanic; in summarizing the findings we will use the descriptors White Black, Asian, or Latinx.] This "oversampling" method was implemented by targeting residents in locations managed by the Brookline Housing Authority and by using a name-matching algorithm to identify people of color.

Based on the final reported results of the survey for four racial groups, of the 1,343 residents responding roughly 3% of the respondents identified as Black, 86% identified as White, 4% identified as Latinx, and 8% identified as Asian. These results are generally consistent with the Town demographics for the percentage of residents who identify as Black and are under-representative of the percentage of residents who identify as Asian. The final demographics of the survey respondents were disappointing in its ability to obtain representative perspectives on policing from Asian residents and as a subcommittee we were disappointed that the specific oversampling methods deployed were not successful in helping the Town solicit the perspectives of higher numbers of Black and Latinx residents.

Overall, most respondents in the survey reported feeling very or somewhat satisfied with Brookline police. The exception to this pattern were Latinx respondents: over 20% of Latinx identifiers are somewhat or very dissatisfied with the police (see Figure 1).

While all racial groups reported having had positive interactions with the police, Black and Latinx respondents were most likely to have experienced negative interactions with the Brookline police and were up to 30% more likely to have had a negative interaction with police (see Figure 2).

Black and Latinx respondents were far more likely to answer that they feel worried about being the victim of police brutality compared to White and Asian respondents (Black:35%, Latinx:22%; Asian: 6%; White: 2%). And while two-thirds (65% of) White and Asian respondents would feel very comfortable calling the Brookline Police if they needed help, less than half (48%) of Black respondents and about half (52%) of Latinx respondents would feel very comfortable doing the same.

Among people who hold an opinion on the various roles that police play in the community, 91% of survey respondents reported that they felt the Brookline police were effective at ensuring public safety. However only 68% of respondents felt that Brookline police were effective at building relationships in the community. And only 42% reported feeling that police officers could be held accountable for community complaints and concerns.

When asked about recent informal interactions (within the past 12 months) with Brookline police about things other than criminal activity, survey data indicates that Black residents are more likely to have interactions with police officers (37%) compared to other racial groups (White:13%; Asian: 13%; Latinx: 4%).

The survey questions about perception of discrimation can help us understand the climate in which the Brookline police are operating in efforts to perform effective community engagement. These questions on the survey were not intended to gauge residents' perceptions of discrimination among police in general; they sought residents perceptions on discrimination specifically about the Brookline police. Survey results indicate that perceptions of discrimination are highest among Black respondents (27%) and, predictably, lowest among White respondents (0.5%).

Respondents were asked if they thought that four racial groups – White, Black, Hispanic, Asian – were treated fairly or unfairly by the Brookline Police Department. One percent of respondents thought Whites were treated unfairly. Fourteen percent of respondents thought Asians were treated unfairly. Perceived unfair treatment against Latinx and Black people was much higher. Thirty-seven percent of respondents thought that Hispanics are treated unfairly by the Brookline Police. Latinx respondents themselves were far more likely than any other racial group to report unfair treatment. That is, 48% of Latinx respondents perceived unfair Brookline Police treatment of Hispanics, compared to 37% of Whites, 32% of Blacks, and 33% of Asians perceiving unfair treatment of Hispanics. The racial group most viewed as being the recipient of unfair treatment by the Brookline Police is African-Americans. In total, 45% of respondents believe the Brookline Police treats Black people unfairly.

Roughly one-third or higher of the respondents across racial groups reported knowing how to file complaints if they had a negative experience with Brookline police, with Black reporting the highest levels of familiarity with the complaint process at 58% (White: 38%; Latinx: 37%; Asian: 30%).

Black respondents also report feeling comfortable filing complaints at the highest rates, with 72% indicating that they would feel comfortable filing a complaint following a negative experience with a police officer (Latinx: 63%; White: 60%; Asian: 47%).

Survey responses point to some important work to be done relating to public trust and transparency:

- 82% of respondents are in support of the police department being required to provide more detail on processes related to addressing violations of conduct and crimes committed by officers
- 72% support improvements in making information about complaints against police officers more public as well as any disciplinary actions in response to those complaints
- 77% support including community members in processes of investigation of police misconduct

The survey also asked what methods Brookline Police be permitted to use in order to ensure public safety. Only two methods had widespread support: physical strength (74% support) and restraints such as handcuffs (87%). Respondents are fairly evenly split on pepper spray (52% support) and tasers (52% support, while only a minority (43%) support the use of firearms, 37% support the use of impact weapons, 32% support rubber bullets, 29% support K-9, 23% support tear gas, and only a mere 5% support choke holds.

IV. Community Engagement Themes Across the Task Force

Ultimately, the work of all of the subcommittees surfaces issues related to community engagement for the Town. The following is a summary of issues and concerns that were raised across the breadth of the work of the Task Force. While the recommendations of this subcommittee do not address all of the issues, we believe it is important for them to be surfaced so the Town can work comprehensively on its subsequent community engagement strategies.

Departmental Analysis

The Departmental Analysis subcommittee focused on how to structurally ensure there is ongoing community engagement between the police and the civilian population. The subcommittee asked the questions: How do we ensure that there is a constant effort to raise, analyze and rethink problematic issues and potential reforms? What structures are in place for constant re-evaluation and stakeholder input? Ultimately the Department Analysis subcommittee made recommendations for both informal citizen input, such as a minimum of six public meetings annually, and a formal civilian oversight committee.

School Resource Officers

In partnership between BPD, PSB and the SRO, we are asking for the removal of all SROs in PSB school buildings. If the Select Board and School Committee are determined to have SROs in PSB school buildings, a full audit and accounting of the places where it is currently using SROs or anticipates that it might use SROs in its curriculum. This would identify what other educator and community resources were considered to support the educational, social, and emotional needs of students and why the services of the town police department are a better choice to meet those student needs. This would also require a convening with both student and parent support and advocacy groups; the Brookline Asian American Family Network (BAAFN), METCO, and Steps to Success to name a few. These discussions will seek caretaker, guardian and parental feedback for the anticipated design of its school-police partnerships. Furthermore, this community engagement should include community organizations like Brookline for Racial Justice and Equity (BRJE), Unitarian Universalist First Parish in Brookline and the Commission for Diversity, Inclusion and Community Relations when vetting the design and anticipated benefits of community partnerships based in schools. Finally, there needs to be a public or transparent evaluation of the program. This should include measures of inclusion in the respected schools faculty and staff, data collection in terms of police contact outside of class with students and families, and the BPD role in building and establishing equity in the nine schools of Brookline.

Walk & Talk

It was difficult to find BHA residents who were willing to discuss the Walk & Talk (W&T) program with the subcommittee. This is in part because it took time for the subcommittee to find the right approach, but also because there is fear that sharing concerns or issues about the W&T program or the BPD in general could lead to consequences from the Brookline Housing Authority or the Police Department. We were able to interview BHA and former BHA residents after switching to a more 1:1 conversation strategy. While there was praise for the program in one of those conversations, what is being heard from the Black and brown BHA residents that were willing to be interviewed is that the violent history of policing in general, which Brookline is a part of, has created an indelible anxiety and fear in many members of black, brown, and poor communities. As evidenced by the Task Force survey, it is perceived by 58% of residents across all communities in Brookline, not only in BHA, that the Brookline Police Department, like all other police departments, is not able to hold themselves accountable when wrongdoing occurs. The Brookline Police Department carries this history in the work they do despite their best efforts.

Vulnerable Populations & People in Crisis

The Vulnerable People and People in Crisis (VPPC) subcommittee has not had the opportunity to hear from residents with lived experience of crisis support interventions in Brookline. In an interview with the VPPC subcommittee, senior staff members of the Brookline Center for Community Mental Health (BCCMH) expressed the need for increased community-based services and support to help reduce or prevent crisis interventions before they occur. BCCMH staff stated that while the Brookline Police Department is “better trained than many,” such community-based services are best provided by social service workers and not by the police. The BCCMH staff expressed strong support of the Town creating such new non-police community-based services and stated that they look forward to collaborating with the Town as these new programs and services are developed.

V. Our Understandings of BPD Community Engagement

Based on discussions during the larger Task Force meetings, discussion with the Community Policing team, and a review of public materials on the BPD website, our perspective is that BPD’s community engagement work falls into four areas:

- Officer Commendations
- Citizen Complaint Process
- Presence in the Brookline community
- Social Media Interactions

Officer commendations provide opportunities for town residents and visitors to share their satisfaction with the BPD and the services provided by BPD officers. Commendations can be submitted online, via mail, or email.

The citizen complaint process is structured in accordance with the June 7, 2017 revised complaint review and disciplinary procedure and the October 2019 recommendations for

changes to the police complaint policy. The complaint process provides an opportunity to specify the timing and details related to incidents where a person feels that "a police officer or officers acted wrongly" (per the complaint process overview). The complaint process involves an online, in-person, or mail-based submission of a complaint to the BPD, a police command officer interview to discuss the details of the complaint, and if the matter was not resolved during the interview stage, a subsequent investigation.

BPD prioritizes and maintains an active presence in Brookline. Annual reviews provided on the BPD website show that BPD's community activities range from community training sessions intended to "demystify policing", to seasonal activities in the community, academic initiatives, and athletic leagues. (See the "Annual Reports" section of the website for access to the year in review documents that provide more detail on BPD presence in the Brookline community).

BPD maintains an active presence on social media via Facebook (@brooklinemapd), Instagram (@brooklinemapd),Twitter (@BrooklineMAPD) and YouTube accounts.

VI. Recommendations

Our work and our findings as a subcommittee coalesce around five primary themes that serve as our recommendation to the Town:

1. Implementing A Child-centric Visions of Public Safety
2. Public Safety Website - Needs for Continuing the Work
3. Community Engagement Not Community Policing
4. Eliminating Unintended One-Way Relationships
5. Going Small - Trust-Building Community Conversations

Youth-Centered Visions of Public Safety

"It's easier to build strong children than repair broken men" ***- Frederick Douglass (1855)***

When thinking about public safety, children should be centered in our thinking. What this means is that the Town should center its thinking around keeping children active, supervised, enriched and thriving. This should begin with the things Brookline already has in place. This thinking should include the Brookline Police Department (BPD) but should not be limited to BPD or expected to be provided or furnished by BPD. This should also be planned in relation to school hours in the idea of enhancing or enriching school experiences for Brookline's children.

The Brookline Recreation Department serves many children in our community. In speaking with the Director, Leigh Jackson, she mentioned many things that would help the Town better serve its children. The first idea was to provide more funding for transportation. In particular, the opportunity to bring Brookline Rec to different neighborhoods and communities within the Town. Brookline does a great job with children once they get to Brookline Rec spaces but COVID has exacerbated a problem that had been present before March 2020: there are children who can't get to the Brookline Rec sites. Her plan is to create opportunities for Brookline Rec to be mobile to meet the needs of the Town's children.

This would mean an increase in their transportation budget. We also think there should be monies budgeted to help transport Brookline's children to get to Brookline Rec sites for free, supervised activities; skating or sledding at Larz Anderson in the winter, swimming at the Brookline Pool (Evelyn Kirrane Aquatic Center - or old school folks called it "The Tank"), or using all of the indoor and outdoor resources at Tappan/Cypress, Soule and Eliot/Warren.

We also need to think about ways to be responsible for our children until they are at least 18. The Brookline Teen Center is for any teen who goes to school or lives in Brookline but is serving mostly children of color. This is an important space for these children of color, but we wonder where the White teens are. One might conclude that White teens have things that keep them fulfilled or White teens may need this space and don't feel the space is for them; it's abnormal for White teens in Brookline to feel like a space does not belong to them. Alicia Adamson, Director of the Brookline Teen Center (BTC), expressed a need to broaden services and activities to broaden who attends the BTC. She has the staff to provide programming and activities, however she needs at least three more staff members to provide social and emotional support for the teens that frequent the BTC. This need would be fulfilled by adding therapists and social workers to do both one-on-one and group services for the teens full time. This could be partially provided by the BTC but the Town should partner to help meet the needs of the children who attend the BTC. We do have shared expenses models that have worked successfully in Brookline. The Brookline Resilient Youth Team (BRYT) works with students at BHS that have had long or chronic illnesses where a significant amount of school time is missed. This program has a shared cost between the Brookline Mental Health Center and Brookline Public Schools (PSB) and is seen as a national example for student support. The Steps To Success program works with students and families that live in Brookline Public Housing. This program fundraises for itself and has a partnership between Brookline Housing Authority and PSB to provide comprehensive support for their students. These examples are ways where the Town has worked with an external agency or two different Town Departments to help meet the needs of Brookline's youth. This too can be done with the Town and BTC. It is short sighted to only use PSB monies to bring the services needed by Brookline's children.

Lastly, the Town should make sure they are investing and working with youth programs in Town that show an investment in Brookline's children. This could come in the way of some cost benefits to being in Brookline if those organizations granted scholarships for children to participate in their programming. This could be a one time event or a program that takes time. For example, a Dance Studio could offer full scholarships for "x" number of children for six weeks of lessons in exchange for "x" number of employees to have a pass that exempts them from parking meter fees during the Dance Studio's hours of operation.

These things would need to be encouraged, published and shared widely with the purpose of providing Brookline's children with as many opportunities for healthy and lively activities to build up our children while moving them toward adulthood.

Developing and Sustaining the Public Safety Website

"Public safety" is a construct that exists in the Town's budgeting and expenditure analysis processes (defined as police, fire, and building), but few other places. For example, the page on the Town website devoted to public safety contains no narrative and only two hyperlinks; one to the Brookline Police and one to the Brookline Fire Department. There is no presentation of a comprehensive vision for public safety. There is no summary of the resources that the Town seeks to deploy to maintain and improve public safety. Furthermore, there is no framing for how the Town works to ensure that public safety is ensured equitably and that resources are being used in equitable ways. Were a town resident to have questions, concerns, or even ideas regarding improving public safety, it is unclear whom they should contact and what they should do.

In contrast, in a matter of weeks and with volunteer resources, the Community Engagement and Walk & Talk subcommittees ended up creating a website in order to communicate who we are and our objectives. This was done in order to improve communications with Town residents in support of interviews about the Walk & Talk program.

The job that the Task Force has begun is far from over. The community engagement and relation-ship building is only just beginning. The next iteration of this task force will require a website that compiles all of the work done over these past months as well as a clear mission. It will be an accessible tool to provide information and advocacy around community-driven public safety and centralize the community's visioning work.

Community Engagement Not Community Policing

Community policing is a law enforcement approach whose objectives are to reduce fear and concern about crime and improve satisfaction with police service by having police officers staying in close contact in the neighborhoods they serve (see "Community Policing" defined at the National Police Foundation). Implementing community policing strategies typically involves building community partnerships, engaging in proactive problem-solving, and implementing community policing organizational structures (see "What Is Community Policing" at the International Association of Chiefs of Police). BPD demonstrates a number of the attributes of community policing through its Walk & Talk program, its ongoing work in diversifying its police force, its establishment of a Community Services Division, and the number of partnerships that it implements in the Brookline community (e.g., Community Emergency Response Team, self-defense training, Youth Basketball League). These structures and efforts have won over many Brookline residents who voiced their satisfaction with the BPD in our September 2020 public hearing.

There are a number of concerns that accompany implementing community policing strategies, including the perception that racist ideas and bias inform choices in the placement of officers, increased feelings of surveillance by community members brought into closer and more regular contact with police officers, and a general transformation of social problems and social issues

into police issues. Community interviews begun by this subcommittee corroborate a number of these concerns (and suggest the need for wider interviewing), but an in-depth evaluation of BPD's community policing efforts was not the work of this subcommittee. Our charge is to help the Town expand its vision of public safety and to propose alternatives that could decenter policing from certain functions.

Our recommendation is to develop a community-driven model for safety and justice that centers the voices of the communities closest to the public safety issues to identify priorities and generate solutions. This work should "start with the opportunities and challenges present in each neighborhood and build out from there, engaging with traditional justice system institutions and players only if and when it is necessary to do so, and challenging them when they get in the way." The essential stakeholders are the ones with extensive first-hand knowledge needed to understand the most pressing problems in Brookline. They have been largely excluded from the conversations (in Brookline and nationally) around implementing public safety while bearing the brunt of violence, over-policing, surveillance, and incarceration.

To begin this process, Brookline needs to commit to long-term relationships and trust-building through substantial community organizing that is adequately resourced through grants and funding programs from the Town . We recommend this work be placed in the hands of community organizers that are members of these underrepresented communities as well as organizers who work outside of the existing power structures in the Town and the police department. They will be charged with developing a structure to solicit input, guide decision making, and surface priorities and action steps. This work will need participation from people with an array of community interests as well as the support of a broad coalition of local advocacy groups.

The last and, perhaps, the most critical piece in this strategy is a commitment from the Town government to being responsive to the community's priorities, as surfaced through the work of organizers, through spending and policy change. This is the critical step that has tripped up these efforts throughout history nationally to change the way public safety is administered in this country. If this commitment isn't there from the beginning and the community can't trust that anything substantial would come from this labor, there is no reason for the community to participate. If the plan developed is dismissed or only the superficial aspects are implemented, then nothing changes. This plan requires bold leadership to commit to the visions put forth by the community. Without a commitment to deep institutional change from the top tiers of local government, progress is not possible.

* Community-Driven Models for Safety and Justice - this piece is the origin of the above strategy.

Eliminating Unintended One-Way Relationships

As a subcommittee, we are not characterizing BPD's community engagement work as attempts to create one-way relationships in the Brookline community.

Instead, we are asking BPD to consider that a number of the relationships that it enters into *either are or run the risk of being perceived as one-way* based on the way that the relationships are structured or based on the limited information that is readily available about the nature of the relationship. The perceptions of relationships as one-way relationships can lead to them being perceived as marketing and messaging opportunities that only serve BPD's community engagement agenda.

For example, the BPD's use of photos and videos of their interactions with communities of color on the BPD website without members of those communities knowing how that material would be used is exploitative. Using those materials in this way might support the BPD's community presence or social media objectives but doing so doesn't return anything of comparable value to those community members.

As a second example, the BPD's AWARE educational initiative is described on the BPD website as "a collaborative effort by law enforcement officers, educators, students, parents, and the community." Anecdotal evidence suggests that few parents, educators or students have an accurate understanding of the BPD goal of community building the AWARE program is supposed to represent. There are no additional AWARE materials available on the BPD website such as the officer visit schedule, the participating officers, or the curriculum. While there is contact information available, the burden is placed on the community to learn the details of the program rather than BPD providing the information proactively. As a result calling this process a collaborative effort with parents is inaccurate.

In a third example, also about the AWARE program in the elementary schools typically provides three opportunities for BPD officers to be present in classrooms across the district. While the goal of the AWARE program is ostensibly relationship-building, there is no clear evidence that this type of relationship building was sought by and is considered valuable to parents and families. Further, parents whose children enter the Brookline elementary schools in grades 6-8 would likely find out about AWARE only through a letter announcing its implementation. We regard this as another instance of the BPD ensuring that its own community presence objectives can be met and checked off without ensuring that something of comparable value is returned to the community.

Going Small - Trust-Building Community Conversations

Our recommendation that the town move forward with small group trust-building conversations was framed by several acute challenges in our subcommittee's work. As a subcommittee, we struggled with the challenges of attempting to do community engagement work with the Brookline community during a global pandemic, when large or small group gatherings were deemed unsafe. We struggled with the magnitude of a charge as vast as crafting an alternate vision of community public safety in just a few months' time. We struggled with the challenges the pandemic forced on a number of us in our having to work, parent, and educate our children all in the same physical space. And we struggled with the reality that despite our sincere intent

to get input from communities of color in Brookline, a climate of fear of retribution and "who is really listening anyway?" persists.

The recommendation to "go small" with trust-building conversations also stemmed from a recurring pattern observed across the work of a number of subcommittees and also the larger Task Force when hearings or discussions were held with content experts or community members whose opinions subcommittees needed as input. On a number of occasions, those supporting the institutions and practices of policing and public safety *as they currently exist* (in one case solicited by an explicit request by BPD officers) sought to use the dialogues for particularly demonstrative displays of support for the BPD. Public dialogue processes don't preclude supporters of a current policy or governance approach from rallying to their cause; however, continuing to rely on public hearings as the primary approach for soliciting input appears to be the strategy least likely to build the trust needed to overcome perceptions of the Town as harboring bias (see, for example "Does Brookline Have A Problem with Black People", Boston Magazine, October 2016; "Progressive Brookline Can't Walk Away from an Ugly Racist Battle. Or Won't, Boston Globe, October 2019).

As a subcommittee, we began the "go small" conversations relatively late into our work. However, our hope was that we would be able to provide insight into the types of information that the Town has the potential to obtain by continuing these conversations. Some emerging themes from the conversation are:

- Community members would like to see the Town break out of the traditional "cops and robbers" framing as it relates to thinking about public safety for Town residents and visitors to the Town
- Despite the existence of a complaints process that can be used, the climate of fear and intimidation continues to serve as a significant barrier to people providing input on choices the town makes in providing for the public's safety
- The Town doesn't regard options such as reducing or eliminating food security as among the choices it can make for improving public safety
- The Town is leaving a lot on the table because there is no perceived authentic effort to solicit the perspectives of Brookline students in how the Town makes choices about public safety
- People who are "paying attention to what is happening" feel unclear on what the opportunities exist to provide input on the town's choices for public safety
- It is not evident that the town has a clearly articulated planning process for public safety
- There is not enough direct connection between people who directly experience the outcomes of the town's choices for public safety (e.g., from receiving tickets to the presence of police in their community) and ways to participate in the oversight of policing and public safety.

There are a number of existing structures that the Town can use to continue these conversations, including its Commission for Diversity, Inclusion & Community Relations (CDICR, which has a group focused on patterns of discrimiation), a newly-hired community

engagement organizer, its ongoing work with the Government Alliance on Race and Equity (GARE) and access to diversity and inclusion consultants. Based on the conversations held thus far, there is clear need to address the climate of fear and intimidation that exists in the Town. No authentic or legitimate public policy can be crafted if done so when fear is present. Any work to reimagine policing will require that the Town more thoroughly understand the causes of the climate of fear and work to eliminate them.

Departmental Analysis
Subcommittee Report

I. Preliminary Matters

A. Mission

(Approved by the full Task Force per meeting minutes dated September 25, 2020)
This subcommittee will engage in a high-level review of the structure and functions of the Police Department. It will examine whether the current structure is optimal and whether all of the departmental functions are served well using law enforcement officers, including the impact on BIPOC populations. The subcommittee will also examine whether a different structure would improve public safety, and whether there are functions that can be better served with a different set of responders. It will also consider whether such restructuring better serves BIPOC populations and racial equity.

B. Members

Eitan Hersh, Subcommittee Chair
Raul Fernandez, Task Force Chair
Mike Sandman
Chi Chi Wu

C. Initial Questions

In the first meetings, Subcommittee members discussed making recommendations on both process and substance

<u>1. Process Questions</u>
How do we ensure that there is a constant effort to raise, analyze and rethink problematic issues and potential reforms? What structures are in place for constant re-evaluation and stakeholder input. For example, the Brookline Public School system receives a great deal of parental input from various bodies (Parent Councils, PTOs). The school system is also governed by the elected School Committee.

As for governance, the civilian oversight body for the Police Department is supposed to be the Select Board, but it has limited time and bandwidth to engage in detailed and comprehensive oversight given that the Board must deal with so many issues Townwide. Should there be a Committee delegated by the Select Board to oversee the Police Department, such as reviewing policies and procedures and resolving civilian complaints against the police officers,

<u>2. Substantive Issue Questions</u>
What functions of the police department do we want to analyze for possible restructuring?

These are aside from the functions that are already the focus of other Subcommittees, such as the Walk & Talk unit, the School Resource Officer, and dealing with Vulnerable Populations. Some potential functions include traffic enforcement, liquor and lodging functions, and responding to noise complaints. We ultimately ended up focusing on traffic enforcement.

D. Research Process

1. General

Both Mike Sandman and Chi Chi Wu created spreadsheets analyzing other municipalities. These sheets are discussed in Appendix B and posted here and here.

2. Process Issues

Eitan Hersh interviewed former Chief Daniel O'Leary on current methods of innovation. The entire Subcommittee interviewed Interim Chief Morgan for his feedback on the concept of a civilian oversight committee that would be tasked by the Select Board with the function of handling citizen complaints and reviewing the Police Department's policies and procedures.

3. Traffic Enforcement

a. Chi Chi Wu conducted internet research on re-imagining traffic enforcement from other communities, discussed in Section II.B.3 below.
b. Raul Fernandez conducted interviews with:
-Jivan Sobrinho-Wheeler of Cambridge, MA
-Rigel Robinson of Berkeley, CA
Raul also researched the policies and proposals in those two communities
[Notes in Appendix A]
c. Chi Chi Wu interviews Rahsaan Hall, ACLU of Massachusetts
[Notes in Appendix A]
d. Chi Chi Wu viewed a Cambridge City Council Public Safety Hearing on Reimagining Traffic Enforcement
[Notes in Appendix A]
e. Former Chief O'Leary gave a presentation on traffic enforcement to the full Task Force
Summary in Task Force minutes of December 4, 2020 [link to minutes when available]
Data tables provided by Chief O'Leary are in Appendix D.
f. Transportation Administrator Todd Kirrane gave a presentation on traffic patterns in Brookline to the full Task Force on December 11, 2020, discussed in Section II.B.2 below.

II. Specific Issues and Recommendations

A. Process Recommendations

1. Blueprint for Ongoing Police Innovation

How does the Brookline Police Department innovate? Where does the department learn about new ideas for how to reimagine its work? In theory, there are three primary ways for the department to learn new practices: 1.) **Internally,** from the experience of officers in the field; 2.) **Externally,** from learning new methods from departments in other municipalities or countries or from outside experts in law enforcement; 3.) **From citizens**, through a formal or informal process by which Brookline residents can share feedback, criticism, and new ideas.

Currently, the department focuses primarily on the **external** method of learning, secondarily on the **internal** method, and hardly at all on the method of learning **from citizens.**

External. In an interview with former chief Daniel O'Leary, our subcommittee learned that members of the department regularly attend conferences and seminars where they have the opportunity to learn about new ideas. For instance, many officers in leadership roles in the department attend programs sponsored by the Police Executive Research Forum (PERF). Through a visit to Scotland with PERF, the department learned new de-escalation strategies. PERF also was instrumental in the department's updated Use of Force policy. Leaders in the department have also attended conferences put on by the International Association of Chiefs of Police and the Federal Bureau of Investigation. Specialists in the department attend seminars for specific training in areas such as mental health, school safety, and firearm safety.

Internal. The department's leadership also adopts new policies through ideas that emerge from rank-and-file officers. This process is partly formal and partly informal. Formally, the department has several sub-committees that provide feedback. Chief O'Leary offered an example of a subcommittee suggesting how officers are compensated for participating in a field training program. Informally, there are sometimes policies that seem both problematic and fixable to rank-and-file officers. For instance, according to Chief O'Leary, patrol officers thought the department was towing too many cars unnecessarily. Through feedback to the department's leadership, the department changed its policy around the circumstances that merit towing a car.

Citizens. As for citizen input, the department has provided occasional opportunities for staff to meet with citizens and learn from them. Examples include a public meeting with a Q&A hosted at Brookline Town Hall, occasional opportunities to talk with officers at a coffee shop, and a police presence at public events such as community fairs.

2. Reimagining Innovation and Oversight

The Task Force recommends reorienting the method by which the Town oversees the Police Department and provides input about current practices and new innovation. Citizen oversight must play a central role. Citizen input and oversight should occur both informally and formally.

The need for citizen oversight and input was highlighted by two incidents that occurred during the work of the Task Force: (1) an inappropriate and misleading lobbying message sent by one of the Walk & Talk officers to Brookline Housing Authority residents prior to an interview that the Walk & Talk subcommittee had scheduled with them; and (2) personal attacks by the Police Union against Task Force Chair Raul Fernandez and anonymous hate messages sent to him. The survey conducted by Tufts University and analyzed in the report "Public Attitudes about the Police Department in Brookline, Massachusetts" found that 77% of respondents supported having a civilian oversight board in Brookline.

Informal Citizen Input . The Brookline Police Department should participate in a minimum of six public meetings annually in which citizens can ask questions and offer suggestions. The six meetings should each focus on a different community or issue area in the community, such as: residents of public housing, racial/ethnic minorities, religious communities, mental health challenges, students, and others. However, all residents are welcome to attend and make statements at all meetings. The meetings must be advertised, publicly recorded, and attended by the Chief of Police. The meetings must be hosted and moderated by the permanent committee of police oversight (see below).

Formal Citizen Oversight. The Brookline Select Board should appoint a permanent committee of police oversight, consisting of five residents of Brookline.[1] The committee should include members drawn from communities that have historically been subjected to discrimination by police departments in the United States. The committee members should serve three-year renewable terms that are staggered. Committee meetings should also have the participation of Town Counsel and Human Resources as non-voting members. Some Task Force members and members of the public provided additional suggestions on the structure of the oversight committee, which should be considered in the further development of this proposal.

The committee would have the following duties:

a). Oversight function. The committee would be delegated the authority by the Select Board to engage in the following functions:

[1] The Chicago Civilian Office of Police Accountability was suggested as a model.

(i) investigate and be empowered to resolve any civilian complaints;[2]

(ii) approval of mutual aid agreements and Memoranda of Understanding;

(iii) approve certain equipment procurement, including military-type, crowd control, and surveillance equipment;

(iv) review and approval of Department anti-bias training.

(v) review and make recommendations regarding the Police Department's budget request; and

(vi) review and ratify major policy decisions of the Police Department. Note that the Police Department has a 700 page Policies & Procedures manual which is subject to review and approval by the Select Board; this review and approval could be delegated to an Oversight Committee.

b). Advocate to the Select Board. The committee will provide regular input and recommendations to the Select Board on police conduct and police reform.

c). Advocate to Town Meeting. The committee will provide annual reports to Town Meeting regarding citizen experiences with Brookline police and recommendations for changes.

d). Public advocacy. The committee should seek out other opportunities and methods to serve as public advocates for citizens in the domain of public safety.

e). Learning. The committee should engage in learning:

i.) Alongside the department. At their discretion and at the town's expense, the committee members should attend conferences that the police officers are attending (if civilians are permitted to attend) plus attend other conferences, at their discretion, at which outside experts are evaluating and sharing new methods of public safety.

ii.) From patrol officers. The committee should conduct regular interviews with rank-and-file officers about the officers' experiences and suggestions for how to improve service.

iii.) From citizens. The committee should host public forums where citizens can offer feedback to police (see above). The committee will

[2] This may require a change in the Union contract or implicate civil service issues because it is currently the duty of the Police Department's Office of Professional Responsibility

take minutes at these events and follow up with the police department and select board when necessary.

In sum, citizen oversight should be a central component of accountability for the Brookline Police Department. The Police Department should continuously learn and innovate to improve public safety in Brookline.

Changes to Internal Processes

The Brookline Police Department should conduct more data collection internally and communicate this data to the public. There should specifically be more data collection and transparency about evaluations and promotions in relation to performance and training.

Other Policy Recommendations

The Brookline Police Department mission statement should explicitly include an affirmation of equal treatment of all human beings, regardless of race or ethnicity. Not only should this be front and center on public facing information, but the hyperlink to file a complaint should accompany it.

B. Substantive Recommendation: Reimagining Traffic Enforcement

One proposal for reimagining public safety has been to move the function of traffic enforcement from police officers to unarmed civilians. This idea has significant merit; however, we do not know the possible negative/unintended consequences of this policy change. Furthermore, it would likely require a change in Massachusetts state law in order to implement it.

1. Introduction

Traffic stops are often not criminal in nature, yet they have the potential to become pretexts for racial bias, e.g., stopping a “suspicious” Black motorist on the basis of a nonfunctional tail light. Some of the most notorious and well-publicized examples of police misconduct toward Black Americans originated from traffic stops that quickly escalated, resulting in injury, death, and/or unwarranted incarceration.

Traffic enforcement is one of the most frequent, if not *the* most frequent point of contact between police and citizenry. As this article in the Atlantic noted:

> Every year, 50 million Americans come into contact with the police at least once, according to a 2015 report from the Bureau of Justice Statistics. About half of them are pulled over in a car that they're driving (19 million), or in which they are a passenger (6 million). Another 8 million are involved in a car accident.

Derek Thompson, Unbundle the Police, The Atlantic, June 11, 2020

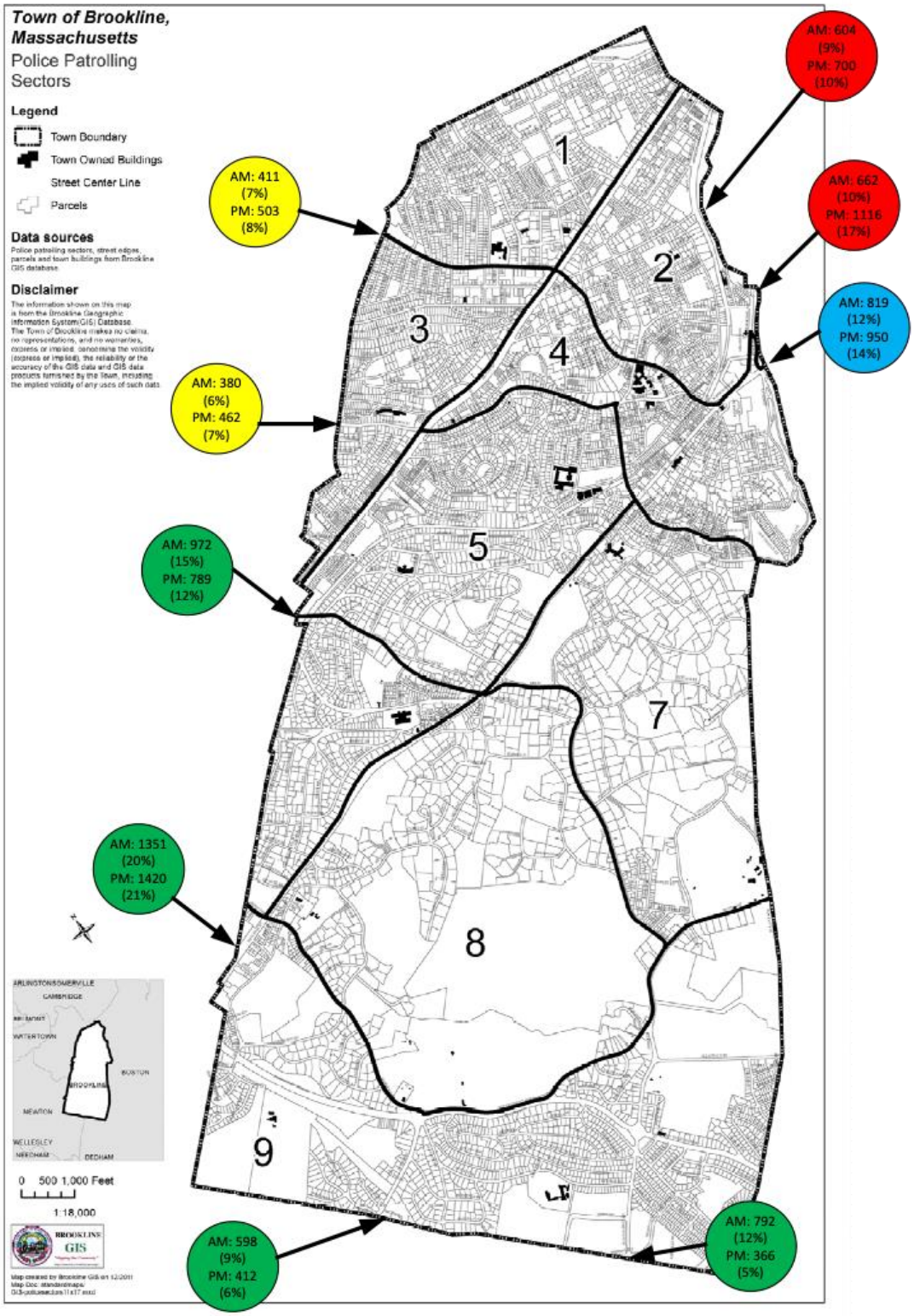
2. Analysis of Brookline Traffic Patterns and Traffic Enforcement

One concern is whether police officers disproportionately stop Black and Latinx motorists, so we undertook an analysis to determine whether that was true in Brookline. We compared the racial composition of motorists issued traffic citations by the Brookline Police Department according to its 2019 Year End Report and 2018 Year End Report with Brookline's overall population by race according to the U.S. Census Bureau.

	White	**Black**	**Latinx**	**Asian**
2019 traffic citations	58.1%	16.8%	11.2%	8.4%
2018 traffic citations	59%	18%	9%	8%
Brookline population	74.1%	3.2%	7.8%	15.9%

One possible explanation for disparity in the racial composition of motorists issued citations versus the demographics of the town is that large numbers of motorists on Brookline streets are not residents [86% of motorists stopped are not residents according to statistics provided by Chief O'Leary]. For example, Boylston Street (Route 9) normally carries about 40,000 vehicles a day during the work week, far in excess of the number of vehicles registered in the town. Thus, some analysis was devoted to calculating the "denominator" to calculate the population affected by these stops.

We asked the Transportation Division for pre-pandemic data on from where vehicles entering Brookline originate. On December 11, 2020, Brookline Transportation Administrator Todd Kirrane presented an analysis of traffic patterns based upon the following map.


Town of Brookline, Massachusetts
Police Patrolling Sectors
Legend
Town Boundary
Town Owned Buildings
Street Center Line
Parcels
Data sources
Police patrolling sectors, street edges, parcels and town buildings from Brookline GIS database
Disclaimer
The information shown on this map is from the Brookline Geographic Information System(GIS) Database. The Town of Brookline makes no claims, no representations, and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and GIS data products furnished by the Town, including the implied validity of any uses of such data
1
2
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4
5
6
7
8
9
AM: 604 (9%) PM: 700 (10%)
AM: 411 (7%) PM: 503 (8%)
AM: 662 (10%) PM: 1116 (17%)
AM: 819 (12%) PM: 950 (14%)
AM: 380 (6%) PM: 462 (7%)
AM: 972 (15%) PM: 789 (12%)
AM: 1351 (20%) PM: 1420 (21%)
AM: 598 (9%) PM: 412 (6%)
AM: 792 (12%) PM: 366 (5%)
ARLINGTON
SOMERVILLE
CAMBRIDGE
WATERTOWN
BOSTON
BROOKLINE
NEWTON
WELLESLEY
NEEDHAM
DEDHAM
0 500 1,000 Feet
1:18,000
BROOKLINE GIS

The yellow circles indicate traffic coming from Allston and Brighton via Washington Street and Harvard Street, where the Black population is 6% and 4% and the Latinx population is 14% and 11%, as well as from Watertown (1.6% Black and 9.2% Latinx) and Cambridge (10.7% Black and 9.5% Latinx). The green circles indicate traffic coming from Newton and from West Roxbury, often originating in suburbs further south and west such as Natick, Framingham, Dedham and Walpole. The Black population in these Western and Southern suburbs ranges from 0.7% to 8.2% and the Latinx population ranges from 3.9% to 16.1%. Those six circles account for 69% of the vehicles entering Brookline during the morning rush-hour and 59% entering during the evening rush-hour.

The red circles represent traffic coming from the Longwood Medical Area (LMA). They account for another 19% of vehicles entering into town in the morning and 27% in the evening, with people employed in the LMA leaving work to return home. Only 12% of the morning traffic and 14% of the evening traffic enters Brookline from Huntington Avenue, which adjoins the Mission Hill neighborhood (15% Black and 20% Latinx).

A table with the racial compositions of the municipalities and Boston neighborhoods identified by Administrator Kirrane is on page 47.

Our analysis shows that Black motorists are disproportionately more likely to be stopped, not only based on Brookline population, but the population of municipalities and Boston neighborhoods from which traffic likely originates, with the exception of Mission Hill. Given the preponderance of vehicles entering from points of origin with largely White populations, it seems quite reasonable to conclude that the high percentage of stops of Black drivers in particular indicates either explicit or implicit bias on the part of patrol officers.

Furthermore, motorists of color - in particular Asian American motorists - are more likely to receive tickets rather than warnings when they are stopped, which is another sign of bias. This is based on data we received data from Chief O'Leary (see Appendix K) showing the percentage of traffic stops in 2028 and 2019 that resulted in a citation (e.g. a speeding ticket), a warning, or an arrest. The following table is a summary:

	2018				2019		
Race	**Ticket**	**Warning**	**Other (Arrest; Court; Void)**		**Ticket**	**Warning**	**Other (Arrest; Court; Void)**
White	9.9%	88.1%	2.0%		12.5%	86.7%	.8%
Black	8.9%	87.7%	3.4%		12.3%	84.9%	2.8%
[East/SE] Asian	15.6%	83.7%	1.6%		16.3%	82.3%	1.5%
[South]Asian	13.3%	86.3%	.04%		16.1%	82.4%	1.5%
Hispanic	12.8%	82.9%	4.3%		14.7%	81.7%	3.6%
Other/unknown	8.3%	77.8%	13.9%		11.4%	77.2%	11.4%

The last question was whether traffic stops by police officers resulted in significant numbers of arrests or referrals related to court cases. As one can see, the percentage of stops resulting in arrests or court cases is quite low. Furthermore, according to Chief O'Leary, many of these arrests were accompanied by major driving infractions such DUIs. Thus, there are almost no stops where a simple stop (basic speeding, failure to signal) leads to getting a gun or a dangerous person off the streets, contrary to part of the narrative used to support police doing traffic enforcement.

	Stops	**Arrests**	**Court Cases**
2018	9,249	69 (0.8%)	90 (1%)
2019	13,761	85 (0.6%)	127 (0.9%)

3. Proposals on reimagining traffic enforcement from other municipalities and countries

A number of other municipalities have or are considering making traffic enforcement a civilian function. These include:

· The Cambridge City Council is considering a proposal that would move "routine traffic enforcement" duties from police officers to a group of unarmed city employees. Cambridge is considering shifting 'routine traffic enforcement' away from police. Here's what to know, July 30, 2020.

· The Berkeley, California City Council voted in July 2020 to create a Department of Transportation and move traffic citations to that department. Berkeley cops to stop issuing traffic tickets under sweeping police changes, July 15, 2020.

· Montgomery County in Maryland has commissioned a study to figure out whether that county might be able to move certain traffic enforcement functions out of the police department and into other government agencies, including more use of automated camera enforcement. Should police be in charge of traffic enforcement? In a suburb beset by racial inequities, lawmakers aren't sure, August 10, 2020.

· In New York City, traffic enforcement is conducted by civilians, but they are under the jurisdiction of the Police Department. There is a proposal to move these civilians into the NYC Department of Transportation. Campaign To Remove NYPD From Traffic Enforcement Gains Steam, June 25, 2020.

· International perspective

We were only able to find one example of civilian traffic enforcement in admittedly brief research. In the United Kingdom, traffic enforcement on certain highways is conducted by civilian Highways England traffic officers. Can a Highways England motorway traffic officer give me a speeding ticket? Find out what these officers can and can't do

Ironically, the U.K. government is now considering giving police powers to these Highways England traffic officers. Civilian road patrols to get 'police powers', February 2017.

· Finally, this article has a good "Cliff Notes" summary about policing models in general in different countries. How Police Compare in Different Democracies, last updated Nov. 12, 2020.

4. Massachusetts law

A significant obstacle for any proposal to move traffic enforcement functions from police officers to civilians will be Massachusetts law. Chapter 90C, Section 2 of the Mass. General Laws essentially vests the power to issue traffic citations to police officers, in

that it specifies that the protocol involves the police chief issuing paper or electronic "citation books to each permanent full-time police officer of his department whose duties may or will include traffic duty or traffic law enforcement."

This section likely means that civilians would not have the authority to issue traffic citations, or to stop motorists for that purposes. In fact, at one point, the Massachusetts Appeals Court held that even campus police officers from private colleges, who are authorized by state law to make criminal arrests, cannot stop vehicles to issue civil traffic citations. Commonwealth v. Mullen, 40 Mass. App. Ct. 404 (Mass. Ct. App. May 6, 1996).

Automatic enforcement by camera was mentioned in a couple of the articles cited above as a possible additional reform to reduce racial disparities in traffic enforcement. However, there is no Massachusetts law that permits the issuance of citations based on camera enforcement. This past year, a bill was introduced in the State Senate to allow enforcement by camera (S.2553). A bill to allow red light cameras is heading to the Mass. Senate floor. Here's how the system would work, February 21, 2020. Update from Administrator Todd Kirrane: Senate Compromise Bill 2553 (red light cameras and school-bus cameras) died in the senate 19 to 18. The bill will likely be refiled in 2021 in the new legislative session.

5. Recommendations

Based on the above research, both policy-based and legal, one option would be to wait for the results of Berkeley's consultant study and Cambridge's efforts in this area. However, several Task Force members did not want to wait but to take immediate action.

Instead, the majority of Task Force members support recommending the introduction of a bill or Home Rule petition in the state legislature permitting certain limited traffic functions to be fulfilled by civilians.

Another option could be to support the refiled version of S.2553, the bill allowing automatic traffic enforcement by camera. Task Force members were split about that option.

School Resource Officer Subcommittee Report

I. Introduction

A. Mission

This subcommittee will specifically examine the role of the School Resource Officers (SRO) within the Brookline Police Department (BPD) and Brookline Public Schools (PSB). It will analyze what function the SROs serve; if the function meets the criteria set forth in the Memorandum of Understanding (MOU) as signed as well as put forth by the Office of the Attorney General of Massachusetts; the balance the benefit SROs provide in relation to community policing, BPD and PSB students and families; methods and measures of accountability for SROs, BPD and PSB; and, the presence of SROs presenting lessons to PSB students.

B. Members

Malcolm Cawthorne
Kimberley Richardson
Kristan Singleton
Alexander Weinstein, subcommittee chair

C. Acknowledgements

As a subcommittee we would like to acknowledge the following individuals and groups:

BDP Officer Kaitlin Conneely, BHS SRO who came to explain her role at BHS and field questions from the committee

Suzanne Federspiel, Chair of the School Committee learned about the SRO and explained the role of School Committee in placing an SRO at BHS and knowledge of the curriculum used in PSB Middle Schools

Rahsaan Hall, Lawyer for the Massachusetts ACLU helped explain the MA law around SROs, the Police Reform Bill in front of the MA Legislature and national research by ACLU on SROs

BDP Sergeant Casey Hatchett, a leader with the Community Police Division who came to help explain the role of SROs in BPD and PSB

Katie Goldring, Gr 6-7 Health & Wellness educator for helping us to develop a more in-depth understanding of the AWARE program and how it is implemented in the elementary schools.

Dr. Maria Letasz Ed. D, PSB Director of School Counseling and Clinical Services who gave explanations for the district perspective of BPD officers in PSB schools with a focus on the Middle Schools

Anthony Meyer, Head of School at Brookline High School who has helped explain the history of SROs at BHS and his role in bringing an SRO to BHS

Lesley Ryan Miller, Principal of the John Pierce Elementary School who helped explain the connection between BPD and her school

Dr. Robert Weintraub Ed. D, former BHS Headmaster who helped with the history of Brookline Police liaisons and collaboration with BHS Administration

Pat Savage-Williams, School Committee President of Evanston (IL) Township Public Schools who helped with understanding of how School Resource Officers are used in similar districts

Carlyn Zaniboni Uyenoyama, PSB Health and Wellness Coordinator K-12 who helped explain the role of BPD with the AWARE program with PSB Middle School students

David Youkilis, Interim Principal of the Michael Driscoll Elementary School who helped explain the connection between BPD and his school

D. Initial Questions

What is the history of the SRO position in Brookline? What was the initial thinking behind instituting the position?

What are the statutory requirements for the SRO position?

To what extent is the SRO involved with school discipline, or with initiating criminal cases for students?

What are the costs and benefits for having an SRO? Who bears those costs, and who receives those benefits?

E. Research Process

1. Historical and Institutional Research

Brookline Public Schools (PSB) and the Brookline Police Department (BPD) have had a long relationship as two institutional pillars of Brookline. For both, it is important to remember that these institutions have helped shape the Town for all of its attractiveness to those who reside here, attend school here and work here. Brookline High School (1843) was created 35 years before the Town saw a need for a police department (1878). There are many reasons for this; while I won't share the details, I do mention it because towns often adjust or create their institutions because of the things that are happening within the nation, the state and local communities.

While it is uncertain when BPD and PSB began their relationship with BPD officers making school visits to speak with PSB students, we know this has been happening for quite some time. The issue of an SRO is not about BPD having no role or connection to each of the schools within PSB. The historical issue is what brought the need for SROs into PSB schools and expanded the responsibilities for BPD as opposed to PSB.

In 1986, BHS began a program within its Social Studies Department known as the Legal Studies Program. This was a three year program where students learned about the legal process.

This brought then BPD officer, now Town of Brookline Associate Legal Counsel, Joslin Murphy to be a guest speaker for the senior class who also helped connect BHS students with internships that sometimes led students to further connect with BPD officers. This program continues but not in its original conception because the Education Reforms in the 1990s changed the scope and sequence of BHS Social Studies course offerings. Since 1996, Legal Studies became an senior elective exclusively and it still has guest speakers throughout the legal process as well as an internship that includes the High School Citizens Police Academy during the 3rd quarter. In 1991, Brookline began the DARE program in PSB Middle Schools which included 9th grade Health and Wellness classes at BHS. After decades in the national spotlight, The DARE program was deemed a failed program and both PSB and BPD ended the program. This program officially ended in the Spring of 2008 and there was the creation of the AWARE program. These programs changed the role of BPD in PSB but maintained a relationship between them.

Nationally, the 1980s saw the continuance of late 1960s terms from the Nixon Era like “Law and Order” combined with “The War on Drugs" and “School Resource Officer”. However, it is still unclear why these terms would affect the Town of Brookline or BHS when drugs weren’t rampant here during that time. Former Headmaster, Dr. Robert Weintraub Ed. D., felt that there was a negative perception of the Brookline Police when he arrived in 1989 as Assistant Headmaster. When he became Interim Headmaster in 1992, he worked to change that perception by meeting monthly with then BPD Chief Daniel O’Leary which led to having the weekly “Round Table” with BHS Administrators, Community and Juvenile Officers of both BPD and Brookline Municipal Court. The weekly Round Table continues today.

After the Columbine [CO] School Shooting (April 1999), a Brookline Police car and Officer was located in front of BHS before and after school to provide a greater sense of security for students, faculty, staff members and community members. As there have been more school shootings, there have been times where there was suggestions for, some would say pressure applied to, BHS Administrators to do things differently to maintain safety. In particular, the addition of more security by reducing the large number of BHS entry ways and exits. These suggestions or this applied pressure came to BHS Administrators from some BHS Administrators, School Committee (SC), PSB Central Office Administrators and BPD. Currently, none of those security steps have been enforced at BHS.

In 2013, the Massachusetts Legislature passed a Bill that required each municipality to have a SRO beginning January 1, 2014. The statute was amended by a criminal justice reform bill in 2018 and provided a new template for the MOU by the MA Attorney General’s Office. The statute is M.G.L c. 71, § 37P. Brookline entered into an MOU in October of 2019.

2. Interviews

11/23/20: Associate Town Legal Counsel, Michael Downey.
11/30/20: BPD Officer Kaitlin Conneely, SRO at Brookline High School; and BPD Sergeant Casey Hatchett.
01/11/21: Katie Goldring, health and wellness educator at the Runkle School; and Suzanne Federspiel, chair of the School Committee.

3. Survey

Data analysis from the 2020-2021 Task Force Departmental Analysis subcommittee survey of 25,000 Brookline residents[3] showed that a significant percentage of respondents did not know that there are police stationed in schools.

The report states:

> "Of parents with children in schools, 14% report that law enforcement officers are stationed in the school, 47% say officers are not stationed at the school, and 39% are not sure. Of those reporting that officers are stationed in their child's school, 79% report being comfortable with the officer's presence, 13% report being uncomfortable, and 7% are neither comfortable nor uncomfortable. Of respondents with children, only 2% report the child involved in a disciplinary action involving the police." (https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report, page 8)

The Tufts survey does not address the SRO position in particular. It's clear from the survey that the community wants police to be there to focus on crime, and doesn't want police to take the lead on any other issue. They wanted to limit the scope of police duties, and to limit their power within those duties.

II. Findings: History and Current Status of the SRO Position

Since the 2000s, a number of BPD Officers have served in essence as Community Officers or Liaisons because of their consistent work with BHS and the school community; Officers Deb Hatzieleftheriadis, Tim Stephenson, Prentice Pilot and Sean Williams are just a few. It is clear that there is a need for BPD Liaisons to PSB schools for specific instances around mandatory reporting and juvenile, criminal activity that can and will occur at school or with PSB students in Brookline but outside of school. Whether it is The Round Table at BHS or similarly appointed BDP to work with specific, elementary school administrations, the difference is the role of BPD in relation to schools and SROs.

It is unclear when negotiations to bring an SRO to PSB, particularly Brookline High School (BHS), began. The Interim Superintendent, Ben Lummis, who signed the MOU, does not seem to have been involved in the initial talks around an SRO being placed at BHS. The former Brookline Police Chief, Andrew Lipson, was at the helm for a little more than one year when he signed the MOU and he is no longer chief because the job was untenable. This is problematic. When leaders make decisions for arguably the two biggest institutions in our Town and aren't present to evaluate them, monitor them or oversee them; that is problematic. Neither of these two leaders had much contact or communication with PSB or BHS outside of each other during a period of transition for both institutions.

When this committee's work began, there was one SRO who was regularly stationed at the high school. Officer Kaitlin Conneely began her work at BHS in the fall of 2018 before the MOU was signed and near the beginning of both Lummis and Lipson's terms. BHS went through a process to choose the current SRO. There were three candidates put forth by BPD, the Head of School and other BHS Administrators interviewed them, and the school chose Officer Conneely.

[3] You can find the full report at https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report.

The lack of transparency around this issue had led people to think that the police department chose her. Instead, it was a collaborative process. The MOU, creating the standards for the SRO position, was signed in 2019. This occurred just after the state law about SROs was amended to require an MOU. We have not yet been able to uncover prior MOUs or discover how long MOUs have been used to define the expectations of the position.

In the Fall of 2018 the SRO at BHS moved into an office across from METCO's designated space at BHS which is also located near the Steps to Success (STS) and African American/Latinx Scholars Program (AALSP) spaces at BHS. There was no communication about this decision in advance of her office placement; no one communicated to the BHS staff; no one communicated to the BHS student body, and no one communicated to the BHS caretaker, guardian or parent community that an SRO was placed in the building nor where her office would be. When SRO Conneely became aware that she was being placed near to the METCO space, she promptly talked with the BHS METCO Coordinator on her own initiative. She was upfront and said that if this is a bad place for her, she would move. That productive conversation was never directed toward STS or AALSP. It became clear that no BHS or PSB Administrators spoke with METCO, STS, or AALSP staff, students or families about this strategic location. In mid-September 2020, shortly after mocking a "chokehold" while commenting during a meeting of the Task Force to Reform Policing, Select Board member Bernard Greene called the current, Interim PSB Superintendent, Dr. Jim Marini Ed.D., and asked for the SRO to be moved from her current office location. He made this call without discussing it with any other school personnel, the elected School Committee members or either Task Forces and without specifying where the SRO office should move.

In our committee meeting on November 23, 2020, Associate Town Legal Counsel, Michael Downey made this committee aware of the SRO Fact Sheet produced by BPD. In that document, there are three more BPD officers who are titled as SROs who work in each of the K-8 schools throughout the year. It is not clear when the fact sheet was written nor published on the BPD website; however, all BPD interaction as well as having Sergeant Hatchett and former Chief O'Leary in attendance at Task Force meetings, there was no mention of more than one SRO before encountering this fact sheet. On November 30, 2020, Sergeant Hatchett responded to a question about this new information commenting that these three officers who work with PSB Middle Schools and beyond were doing the same job as an SRO and their titles were changed. Unfortunately, the November 30 meeting was zoom bombed and there was not another meeting to follow up on that statement.

These findings led the committee to reach out to K-12 Health and Wellness Coordinator, Carlyn Uyenoyama, PSB elementary school personnel and leadership as well as School Committee Chair Suzanne Federspiel. It has become clear that there isn't a transparent nor consistent understanding of the SRO role at the eight elementary schools. As we spoke with Health and Wellness teacher Kate Goldring (Runkle), Interim Principal David Youkilis (Driscoll), Principal Lesley Ryan Miller (Pierce) and Dr. Maria Letasz Ed. D. (PSB Director for School Counseling and Clinical Services) that the presence and consistent connection as outlined in the SRO MOU isn't happening the same way at the eight elementary schools. In addition, the School Committee had no idea SROs are in the PSB buildings, let alone "teaching lessons" in a program for PSB Middle School students. Furthermore, this committee questions the lessons to be taught by SROs in the Middle Schools.

The committee reviewed letters that went to PSB 7th and 8th grade families written on BDP letterhead and sent electronically as well as postal mail in January of 2021. These letters notified parents that SROs will teach students about racial justice. With the information in those

letters as well as information gleaned from conversations with Middle School Leaders, District Leaders, SC Members, this committee has struggled to find answers as to why PSB students need or want SROs to teach about the following topics: Mental Wellness, Healthy and Unhealthy Relationships, Cyber Bullying, Safety During COVID, Substance Awareness, and Issues of Racial Justice and Community Policing. After addressing this issue at a meeting of the full Task Force on January 29, 2021, the committee received a forwarded email from former Chief O'Leary that was originally written by Lieutenant Jennifer Paster of the BPD Community Division in the afternoon of the same day. This email outlines a total of nine lessons over three years; two for 6th graders, three for 7th graders, and four with 8th graders. The curriculum does not mention the SROs teaching about racial justice. The email stated that SROs are present in the classroom for discussions of bullying and sexual assault at least in part because they had witnessed information being presented incorrectly under current law; it is not clear why an SRO would be more suited to do this task than a lawyer, or why checking the accuracy of the curriculum could not be done in advance rather than in real time. The email also places the driving force behind any curriculum changes as coming from Brookline K-12 Health and Wellness Coordinator Carlyn Uynemoyama. This is odd because of its timing. Malcolm Cawthorne had been speaking with Ms. Uynemoyama since the revelations of Middle School SROs and none of the changes made were mentioned by her. The letters went out to PSB Middle School families on BPD letterhead the week of January 17-23. Chief O'Leary was in our weekly Task Force meeting at 8am on January 29 and then left the meeting before 8:15am. Lieutenant Paster, Sergeant Hatchett or O'Leary could have sent the email to the two Task Forces earlier since the notes on the documents were (up)dated on January 26, 2021.

This history leads this committee to challenge the need and even the titling of SROs according to the MOU. What caused the BDP and PSB to place an SRO in BHS after 175 years of existence? The 2013 Bill did not mandate that the SRO be permanently located within a school building. This committee believes that the relationship with BPD Liaisons would and should have satisfied the school and the Town. With the context of the SRO MOU, it is hard to understand how Middle School SROs in Brookline can meet the expectations of the MOU. Moreover, this committee challenges the idea that BPD is more apt or qualified than trained teachers, counselors, trained peer counselors from BHS and the Town Victim Advocate to provide the nine lessons presented by armed, BPD officers who were not vetted by any PSB Middle School personnel. Normally, when courses are altered or modified, that needs to be presented to the School Committee ahead of implementation; this has never happened.

We recognize that officers working with students is consistent with BPD's community policing model and may also be consistent with aims to build relationships with students so that they feel comfortable reporting crime within the Brookline community. But we do not believe there is wide community endorsement of this work. In addition, we believe that despite the writing produced by BPD about parent partnerships, there is no evidence that there were any attempts of public or community outreach.

Finally, Governor Charlie Baker signed into law a Police Reform Bill in December 2020. The law no longer mandates that municipalities have an SRO. This bill made several other significant changes to the statute governing SROs. An SRO may only be assigned at the request of the school superintendent. The superintendent must, every year, make a public presentation to the School Committee on the SRO. A new commission will review the model MOU and create a new one for mandatory at-minimum implementation in the 2022 school year. [See Appendix A for a full summary of the changes in the law.] Since there is no longer a legal requirement that Brookline have SROs, we need to seriously consider whether we want them.

II. Recommendations

Remove SROs from schools.

After months of debate, our position is clear: SROs should not be in schools. SROs are not educators, they do not make the requisite investments to educate students well, and the Town's using them in service of educational purposes undermines the pillars of safety and community that are needed for students to thrive in our schools.

This position was established very nearly under cover of night. The MOU was signed by an interim superintendent and a short-term police chief. The School Committee was not consulted. Parents are not aware of its existence.[4] There was no public process around its implementation. There was no public process around the much-discussed move of the high school SRO across from the METCO office, or even notice given within the high school itself. There was no public process, nor the routine presentation to the School Committee, around the January 2021 changes to the middle school curriculum which will now have armed, uniformed officers teaching about racial justice. And, as of December 2020, Massachusetts law no longer requires an SRO. The law prior to that was never clear that an SRO had to be stationed in the BHS building at all. Police officers are not better qualified than trained teachers to teach middle school students about health and wellness. It is deeply important to reference the previous section of this report for a full and nuanced accounting of these findings; still, the evidence is overwhelming.

We have received some public comment which is thinking about this issue in terms of loss rather than gain. They are thinking of the loss of a person who they know, or with whom they have a relationship. We are thinking about gain. We can gain different ways to get what our kids need. We want to put more and better things in place.

We are not saying that we should ban police associations with schools, or police liaisons to schools. None of what we're suggesting precludes, for instance, the senior Legal Studies class being run the way it currently is, with police officers as occasional guest speakers.

If Brookline is determined to keep the SRO position, it must be after engaging in an authentic reauthorization process prior to the start of the 2021-22 School Year.

We must land the plane so we can see whether we even need it to take off.

If the town insists upon the SRO position, that insistence must be done through a rigorous public process. It cannot come solely from the Select Board--not after the profound lack of transparency surrounding the implementation of this position. And, crucially, the SRO position should not exist until such time as that process has concluded.

[4] "Of parents with children in schools, 14% report that law enforcement officers are stationed in the school, 47% say officers are not stationed at the school, and 39% are not sure." Data from 2020-2021 Task Force Departmental Analysis subcommittee survey of 25,000 Brookline residents: https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report.

The point here is not so much transparency--which should be a given, especially after the clouded history surrounding the creation of the position--as having a true public discussion about whether we need an SRO, why, and what form the position should take.

In legislative bodies, a reauthorization process is one that provides an opportunity to create, extend, or make changes to the terms under which a program operates.
While we as a subcommittee believe that the social and emotional needs of students can be met through other partnerships beyond those with the BPD, we acknowledge that there are students, families, and educators who do have positive regard for the presence of SROs and who do value their participation in the school community. We believe that an authentic reauthorization process -- one using the mechanisms of discussion, data collection, and identified accountability -- is the correct path for the Town because it will allow us to achieve a better balance between the recently updated regulations, the perspectives of those who support school-police partnerships, and those who have legitimate and important concerns about the partnerships. This reauthorization process is absolutely necessary if Brookline is to keep SROs, because parts of this position's initial implementation did not receive public scrutiny through discussion by the School Committee.

As a subcommittee, we also believe that the Town must also use a racial equity lens as part of its SRO reauthorization process. We define the use of a racial equity lens as "paying specific attention to race and ethnicity while analyzing problems, looking for solutions, and defining success". We do not believe that any reauthorization process should be reduced to a simple "numbers game" where the group that is able to bring the largest number of voices to the table has the final say on the design and implementation of a proposed program or initiative. This approach will continue to marginalize the perspectives of those in the demographic minority. Of critical importance is that the Town not view the decision of whether to continue SROs as a school-police partnership as an *isolated programmatic decision* and instead consider its school-police partnerships in the context of how some community members experience the *cumulative effects of policing*: this includes prioritized placement of police in their neighborhoods; the increased likelihood of encountering police while walking or driving in the town; as well as the presence of police officers in their school communities.

Prior to SROs returning to any PSB school, we recommend that the Town and School Committee commit to the following:

- A full audit and accounting of the places where it is currently using SROs or anticipates that it might use SROs in its curriculum (e.g., the Health & Wellness AWARE curriculum)
- Convening with parent support and advocacy groups (e.g., METCO, the Brookline Parents Organization, the Brookline Parent Education Network, the Brookline Asian American Family Network, Steps to Success) to discuss the anticipated design of its school-police partnerships and to obtain parent and family feedback on the design and anticipated benefits of those partnerships with groups representing and supporting communities experiencing disproportionate and adverse impact of policing (e.g., Brookline for Racial Justice and Equity, Unitarian Universalist First Parish in Brookline) to discuss their perspectives on and concerns about the anticipated design of proposed school-police partnerships
- Convenings both with student groups and student counselors to discuss their perspectives on and concerns about the anticipated design of the school-police partnership and their anticipated benefits
- Develop a method for evaluation of SROs and their effectiveness in schools that will be presented to the School Committee

- Increased participation within the faculty and staff communities at the assigned schools. This will mean attending Faculty meetings, attending Professional Development days and times as well as being involved in School equity trainings and planning
- The School Committee and Superintendent devoting at least one summer session to sharing the findings of its convenings on potential school-police partnerships with opportunities for written and public comment from the community

To complete an authentic reauthorization process, some of the steps above need to begin as soon as spring 2021. For example, it will be far easier and more credible for the town to make investments to obtain the input and perspectives of students and counselors during the academic year than it would be to attempt to obtain similar types of input during the summer.

In employing a racial equity lens to the reauthorization, it is particularly important that the Town structure conversations in ways that can overcome the climate of fear and concerns about retribution in response to feedback that exists in communities that experience adverse effects of policing. This may require assurances of confidentiality or establishing new partnerships that allow the Town to leverage expertise or relationships that it does not currently have.

As a subcommittee we recognize that the significant effort and time commitment required to complete the work above. Optimally, the Town would have an established history of doing this work prior to the implementation of any its school-police partnerships. We also recognize the role that inertia often plays in program implementation and we specially call upon the Town not to implement a "business as usual" approach whereby design of the school-police partnerships remain intact and implemented according to their historical patterns.

Should the reauthorization outcome result in the Town's continuing its school-police partnerships, the Town of Brookline must more clearly adhere to the "model memorandum of understanding" (MOU) process for formalizing and framing the partnership. In addition to the terms set forth in the model MOU, we recommend that any MOU established between the School Committee and the chief of police must:

- Identify what other educator and community resources were considered to support the educational, social, and emotional needs of students and why the services of the town police department are a better choice to meet those student needs
- Identify what the budget implications are of continuing the partnership
- Identify the types of data that will be collected to evaluate the efficacy of the partnership
- Identify the types of data and what data collection methods (with appropriate permissions from affected students and their families) are needed to determine which student groups and which segments of the Brookline community are brought in contact with the BPD through the partnership
- Identify how the BPD plans to use a racial equity lens to analyze the program data, including what training and support will be provided in the BPD for data analysis
- Identify what the communication plan will be for sharing program outcomes with parents and the larger Brookline community

The bare minimum, the floor for this public process, is the new set of legal requirements. [See Appendix L.]

Walk & Talk
Subcommittee Report

I. Introduction

A. Mission

This subcommittee will specifically examine the role of the Brookline Police Department's (BPD) Walk & Talk (W&T) program. It will analyze what function the program serves, what net benefit it provides Brookline Housing Authority (BHA) residents, and the interactions of the officers with Black, Indigenous, People of Color (BIPOC) residents and visitors.

B. Members

Bonnie Bastien - Subcommittee Chair
Kimberley Richardson
Anne Weaver

C. Initial Questions

- What are the BPD's objectives, as well as the BHA's objectives, for the W&T Program?
- Does the program accomplish its objectives?
- What are the BHA community's experiences of, and perspectives on, the W&T program?
- Why does the W&T program focus on "relationship-building with youths" at BHA and not in the other communities of Brookline?
- Is the program necessary? If not, do the benefits outweigh the costs?
- What specific services do W&T officers provide?
- Is it possible for another service to better serve the needs in this community?

II. Walk & Talk Program History

As stated on the W&T page on the BPD website, “The officers assigned to the Walk & Talk unit, within the Community Service Division, are the main liaisons between Brookline Housing Authority (BHA) Administrators, personnel, and residents, and the police department. The goals of the Walk & Talk program are to make the officers approachable to the residents and vice versa, help them become familiar with the dynamics of housing life and to identify any residents in need of assistance. Through a combination of foot patrol, bike patrol, motorized patrol and attendance at community meetings/events these officers are highly visible to the residents.”.

In 1992, the W&T program was started by then Lieutenant Daniel O’Leary, Detective Mark Morgan, Chief Simard, and Brian Cloonan (Exec. Dir. of the BHA at the time). It was the beginning of a shift toward a new community policing strategy in Brookline. Community policing is a law enforcement approach whose objectives are to reduce fear and concern about crime and improve satisfaction with police service by having police officers staying in close contact in the neighborhoods they serve (see “Community Policing” defined by the National Police Foundation).

It has been stated in our Task Force conversations by now former Chief Daniel O’Leary that the W&T program was initiated in order to create positive relationships between police officers, residents, and youths so that not all interactions with officers are “bad”. He described this work as “building bridges”. The BPD website goes on to explain that through making the officers highly visible to the residents of the BHA, residents will become more trusting and willing to speak with the officers in order to alert them to potentially developing problems, report crimes, and to inform officers about happenings within the properties.

In our research to understand the objectives of the W&T program we found that in the almost 30 years of the program’s existence there has never been a contract or MOU written between the BHA and the BPD stating agreed upon objectives. The BPD’s objectives are described on their website (noted previously). There is no mention of the W&T program anywhere on the BHA website as a service provided or resource available to the residents. The only mention is in a post documenting a summer event. The officers are mentioned as attendants. There are no stated objectives for the program on the BHA’s end. In our interview with Mathew Baronas [see Appendix B] he stated that before the program was started the BPD noticed that there were BHA residents that were repeatedly getting put into the criminal justice system. The BPD offered a way to help diffuse and divert situations to help residents avoid the criminal justice system. He called the W&T officers “a part of the social service fabric” and states that their goals are the BHA’s goals which are “to help residents overcome their disadvantages to be able to thrive.” It has also been found that there has never been a formal assessment of the impact of the W&T program from either the BHA or BPD or from the perspective of the BHA residents receiving the service.

The subcommittee found that there has been an annual payment to the BPD of $15,000 that comes from the BHA’s operating budget in return for the W&T program since the early days of

the program. There is no documentation of an agreement or what that payment is used for, though it has been stated in Task Force conversations with BHA administrators that that money began as a payment to the BPD to help supplement the officers' overtime. It is unclear what it is used for most recently.

III. Research Process

A. Literature Review

The subcommittee reviewed peer-reviewed academic articles and websites related to community policing and community-based supports and services. The focus of the literature review was to gain an understanding of the historical impacts of community policing, as well as research and advocacy on community-based police programs and the impact, if any, on people living in affordable or public housing.

We used this research to shape our interviews and our recommendation priorities.

See Appendix M for more details.

B. Interviews

Administrative Interviews

1. **December 16, 2020**. Interview with W&T officers Pilgrim, Stephenson, and Lawlor. The interview focused on the W&T officers' day-to-day experiences and activities in the program, their relationships with BHA residents, and the purpose and goals of the program.

2. **January 19, 2021**. Interview with Matthew Baronas, Director of Property Management for the BHA. The interview focused on the history of the W&T program, overview of present-day W&T program, resident perspectives on the W&T program, and annual payment of $15,000 given to BPD for W&T program.

3. **December 16, 2020**. Telephone conversation by Bonnie Bastien with Michael Alperin. The interview focused on the history of the W&T program, annual payment of $15,000 given to BPD for W&T program; surveillance cameras, and BHA safety issues.

BHA Resident Interviews

1. **Jan. 24, 2021. BHA Resident 1** - Notes from a phone conversation on W&T program in BHA

2. **Jan. 24, 2021. BHA Resident 2** - Notes from a phone conversation on BHA and policing

3. **February 1, 2021. BHA Resident 3-** Notes from a phone conversation on BHA and W&T program.

Brookline Resident Interview

1. **Dec. 11, 2021 - Dec. 12, 2021. Brookline Resident 1**- Testimony taken from a social media post on W&T program in BHA

2. **Jan. 26, 2021: Brookline Resident 1**: Focus of interview was on policing in Brookline and public safety, particularly for BIPOC.

See Appendix N for full interviews.

C. Task Force Community Survey Responses

Data analysis from the 2020-2021 Task Force to Reimagine Police Departmental Analysis subcommittee survey of 25,000 Brookline residents[5] found that Latinx and Black residents of Brookline were 8-9 percentage points more likely to have had a negative experience with the BPD than white or Asian residents, and less likely to report having had a positive experience (p. 5).

On the survey question on whether the BPD helped to feel safe in the community, 4% of Black respondents felt unsafe, 7% of Asian respondents felt unsafe, and 16% of Latinx respondents reported feeling somewhat or mostly unsafe (p. 6).

In addition, survey data showed a marked difference on respondents' perceptions of racial discrimination by Brookline police. While barely any white respondents (0.5%) felt they had been discriminated against by BPD officers, members of other racial groups and ethnicities reported greater perceptions of discrimination. Five percent of respondents who identified as Asian reported feeling discriminated against by local police, while 12% of Latinx respondents reported discrimination, and, significantly, 24% of Black respondents reported feeling discriminated against by BPD officers (p. 7).

[5]See https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report for full survey data and analysis.

Finally, a significant percentage of survey respondents preferred community crisis workers to respond to non-violent crisis situations instead of police responders, except in domestic violence cases. The report stated:

> "In responding to someone experiencing a mental health crisis or is suicidal, 4% think the police should respond, **83%** think social service workers should respond and 12% think both should respond. In dealing with a homeless person, 5% think the police should respond, **88%** think a social service worker should respond, and 8% think both should respond. In dealing with a dispute among neighbors or a disorderly minor, 23% think police should respond, **64%** think a social service worker should respond, and 13% think both should respond. In dealing with a case of domestic violence or abuse, 42% think the police should respond, 26% think social service workers should respond, and 31% think both should respond. In most of these scenarios, particularly those that are noncriminal, the public overwhelmingly favors social service workers responding rather than police."
> (p. 11, boldface added)

D. Police Reform Committee Survey of Walk and Talk Program

The Select Board's Committee on Police Reform (a different committee then our Task Force) developed and mailed out a survey to residents of BHA properties asking for their experiences and opinions of the W&T program. The survey data was analyzed by a Town of Brookline staff member and relevant data to this subcommittee's charge is presented here.

Seventy responses from BHA residents were received by the Committee, a response rate of approximately 9%. Of those responses, six informants (or 9%) identified as Black, six informants (or 9%) identified as Latinx, 14 informants (or 20%) identified as Asian, and 32 (or 46%) identified as white. These percentages of respondents' racial/ethnic backgrounds differ from the racial/ethnic representation in the BHA community where 56% of residents identify as white, 25% identify as Black, 15% identify as Latinx, and 14% identify as Asian. The difference between those who responded to the survey versus those who reside in BHA is particularly noticeable for Black and Latinx residents, whose voices were not adequately represented in the survey results.

Statistical differences between respondents and BHA residents were also noted in the ages of the respondents: 39 of whom identified as age 65 or older; 12 who identified as ages 51 to 64; and 8 who identified as ages 36-50. In other words, 73% of the survey respondents identified as age 51 or older. This skew toward older survey respondents is notable in that young BHA residents' experiences and opinions about the program – identified by W&T officers and BHA staff as a primary focus of the W&T program [see interviews in Appendix N] – were not represented by survey respondents.

Only 36 (or 51%) out of the 70 respondents reported that they were familiar with the W&T officers. Nineteen of the 36 who were familiar with the officers were in the 65+ age group and 10 respondents who were familiar with the program were in the 51-64 age group. It was unclear from the wording of the question if the respondents who reported “no familiarity” of the W&T *officers* were familiar with the W&T *program* or not.

In conclusion, this survey of BHA residents about the W&T program appears to be missing important data from BHA residents directly affected by the program. Of the 4 respondents who were in the age range of 18-35, 2 identified as white, 1 as Jewish, and 1 as Latinx. Broad sampling of young Black, Latinx, and Asian BHA residents is essential in evaluating this program and this demographic was notably absent from this data.

Why these young voices were absent is unclear — perhaps due to older family members filling out the survey instead of younger members; perhaps because younger members did not want to provide responses to the survey; or perhaps due to other explanations. Yet without the voices of young residents’ direct participation, it is impossible to reach any meaningful conclusions about the usefulness of the W&T program from this survey.

See Appendix C for a copy of the survey and the Preliminary Report Survey Analysis

IV. Findings:

In the beginning it was difficult to find BHA residents willing to speak with us or attend public meetings. This is in part because it took time for the subcommittee to find the right approach, but also because many fear retribution from the BPD or the BHA for speaking out. They expressed fear of losing their tenancy for speaking to us about the police. Our solution was to reach out to individual residents to have anonymous 1:1 conversations and transcribe the information without any identifying details. We were then able to get testimony from past and present BHA residents, as well as non-BHA Black residents in other neighborhoods of Brookline. This extreme hesitancy from BHA residents to speak freely about their perspectives on the police is itself evidence of the problematic nature of the W&T program. The community engagement work of this subcommittee is ongoing and will continue beyond the timeline of this Task Force.

BHA Resident Responses

The W&T program appears to be a great benefit to some BHA residents. Some have reported in the Task Force public hearing in September 2020 and in other public spaces that they have very close and trusting relationships with specific W&T officers. Many elderly residents report being quite pleased with the W&T program. There have been reported benefits in the youth basketball league as well as the residents’ ability to call on these officers at any time of day if they are experiencing an emergency.

Some residents report being grateful to the officers for their generosity during the holidays because they have been known to cook holiday meals for BHA residents.

The W&T program has also been reported to be a detriment to some Black BHA residents [See Appendix B]. Those residents report heightened anxiety and fear due to police presence at BHA properties. This anxiety has not been directed at particular officers or incidents, but rather to the presence of police officers in general. Residents report feeling surveilled in combination with concerns about the possibility of eviction from their BHA apartment because of what some have called "zero tolerance" policies at the BHA[6].

When police are placed in a community with the goal of being highly visible in part with the expressed goal of inviting information from residents about possible problems in the community, it's understandable that anxiety develops. Some residents have reported feeling policed in their own homes. Residents have reported worrying that their neighbor could possibly suspect something is wrong if, for example, there are a series of loud arguments heard coming from their apartment. It's possible that the neighbor could mention that incident to the W&T officers triggering closer observation of that resident.

Due to the historical violence and oppression of Black, brown, and poor people by police, it has been reported that police officers can trigger anxiety in those communities and an impulse to avoid interaction with officers or act in a way that won't draw attention [see Appendix A, literature review for citations]. This is not necessarily due to a particular officer's actions, but rather to a person's understanding of and experience with the institution of policing in the United States. Other white BHA residents and Brookline residents in non-BHA neighborhoods largely do not feel this way. However, many Black people and people of color living in non-BHA communities in Brookline do report feeling anxiety and fear when officers drive past them or when they need to come in contact with an officer on the street working a construction detail, for example. Again, this is not due to the actions and behaviors of officers necessarily, but of those residents' experiences with and conceptions of the system and institution of policing.

In the survey conducted by the Committee on Police Reform, there were BHA residents that expressed satisfaction with the W&T program. There are also many that were not aware of the program. The benefits described by some BHA residents include the ability to directly call on an officer for help in an emergency - even in the middle of the night. The officers have on many occasions built meaningful relationships with some children and teenagers in BHA housing. But still others describe perceiving their children being targeted for questioning by police more than once about incidents unrelated to them. It is also true that some people have utilized the W&T program and have benefitted from having the officers there, but are still very uncomfortable with the arrangement. They needed help at some point and the only option available to them was a police officer. If a different social service or community service were available, that would have felt safer using that option [see interviews in Appendix N].

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[6]See BHA Handbook for resident policies https://b6a38b27-654a-4453-9edd-9ed1158a8b10.filesusr.com/ugd/d1ed85_59d4e9c140124c89893d071611273094.pdf

It is clear that the W&T officers enjoy their role and relationships in the community. They are passionate about their work and believe that they are doing good work in the community. It is also clear that this program is very beneficial to the BPD. It helps them do their job better by allowing them to keep tabs on situations, follow up with people after incidents in the BHA, have opportunity to try to build trust with Black and brown residents that may have negative views of police officers, share resources with residents, and receive information about possible needs in the community or problem areas. It also helps them paint a different picture of themselves as police officers.

From the perspective of the BHA, Matt Baronas (Asst. Director of the BHA and Director of Management since 1983), who has been in his position since before the beginning of the program, has stated that he believes the program is beneficial and that officers are kind and have good relationships with the residents. When asked about the origins of the W&T program and why it made sense to have police officers do the work of "helping residents thrive", as described earlier, or intervening in disputes between residents, mentoring children, and starting a basketball league instead of professional social service workers, he responded:

"That's a good question, a good observation, there is probably some truth to that. I can't speak for the BPD but it was partly to build a more positive relationship between police officers and our residents. I think that was a major part of the thinking, to create positive relationships, trust, but I think the program has evolved considerably and I think, in my experience, I look at the W&T officers similarly to what occurs with our other social service partners. Let's really put our heads together and what can we offer in these difficult situations, before they become problematic. I think some of it is our tenants are reaching out to the BPD repeatedly, complaining about a neighbor. Often we are also aware of those problems and the W&T officers are helpful." [See Appendix N for full interview]

When considering how to weigh the information we have received from residents about their experiences with the program, we cannot use a majority-wins measurement. The individuals that are expressing discomfort in their home with the W&T program and fear of speaking out about it may be in the minority, but their experiences are not less important than those that feel comfortable expressing their satisfaction with the program. While we estimate that their numbers are smaller than those in favor or of the program or indifferent, almost every person we spoke with that disliked the program was Black. We need to pay particular attention when the people who feel uncomfortable or unsafe are Black and brown residents whose population make up a small minority in Brookline. When those voices are drowned out, we uphold racist systems. The W&T program is a part of a public safety strategy; therefore, if some of the community feels unsafe *because of the program itself*, then the strategy is not providing public safety.

V. Recommendations

While the W&T program has many benefits to some residents and utilizes some very well trained and kind officers, as evidenced above, police officers, whether they are doing a drug raid or coaching a basketball team, are still a part of the larger oppressive and violent history of the institution of policing in America and perceived by many Black and brown residents as such. That is not a truth that can be avoided.

Racial bias exists in every one of us, but proves particularly problematic in police officers because they are given the power to detain people, to stop and question them, to fine them, to lay hands on their bodies, and to arrest them which can lead to traumatic experiences for them and their loved ones, financial debt, and incarceration. Police officers providing social services is a conflict of interest and creates a barrier to those resources for some residents.

The BPD has on many occasions proven to not have the ability to hear criticism, particularly around race, or to hold themselves accountable via the current policy for investigation of citizen complaints. In our Task Force meetings and in the subcommittee meetings there has been an inability on the officers' part to express knowledge of the historical effects of policing on Black, brown, and poor communities and to apply it to themselves. This lack of an anti-racist lens to examine individual BPD officers, policies, or programs historically and in the present supports the anxieties expressed by our Black and brown neighbors. If the BPD can't see the problems and acknowledge them, they can't fix the problems.

In closing, our conclusions are <u>not</u> based on whether or not individual officers are liked or disliked. We are examining the system and the environment the W&T program creates. The central question to our work is, "Are police officers the best or even the most logical professionals suited to providing social services and building personal relationships in a multi-racial housing authority?". The subcommittee's answer is no.

So we offer the following recommendations:

1. **In the short-term, develop an effective, comprehensive, and easily accessible website that provides access to currently available social services and other resources, and centralizes the advocacy and visioning work toward a new, community-driven public safety system.**
    - We envision the development of an accessible, centralized website to house the newly developed resources in addition to the collection of the work the Task Force has done over these past months. It will provide information and advocacy on community-driven public safety and will centralize the community's visioning work. The website and its resources will be publicized widely.

2. **Center the people most affected by public safety challenges in the process to develop an improved system of public safety. Continue the community engagement work that the subcommittee has begun which is outlined in the Community Engagement/Envisioning subcommittee report.**
    - Our work does not end here. This is only the beginning. Our conversations now need to shift from the subject of the W&T program to better understanding the challenges residents are experiencing, the opportunities already present, and the stakeholders that need to be centered in the conversation in order to envision new solutions and systems together.

3. **We recommend that the Walk & Talk program either be disbanded and replaced with a new system or slowly phased out as other services and supports are developed alongside the W&T program.**
    - Using the community input gathered in the conversations previously described, we develop a new way forward to improve our system of public safety for all residents

Vulnerable People and People in Crisis Subcommittee Report

I. Introduction

A. Mission

This sub-committee will examine the needs of Brookline residents who are vulnerable or in crises and to what extent those needs are being met or not met in Brookline. The committee will examine the work that other communities have done to meet the needs of people experiencing issues with mental health, substance abuse, and homelessness.[7] It will examine the interactions of the Brookline police with residents and visitors who have such needs, including both the positive and negative aspects, with a particular focus on interaction with BIPOC residents and visitors with such needs. The subcommittee will examine whether the needs of residents and visitors could be better met with a different set of responders of professionals.

B. Members

Almas Dossa, subcommittee co-chair
Anne Weaver, subcommittee co-chair
Alexander Weinstein

C. Initial Questions

What are the community-based services and support models for vulnerable people and people in crisis that currently exist in Brookline and what are the gaps that need to be addressed to strengthen community-based services and supports?

What crisis intervention services are currently being addressed by the BPD and how might community-based crisis intervention models enhance and /or replace the BPD crisis intervention services in order to better serve our community?

What crisis intervention services exist nationally and internationally and what crisis intervention models would best serve the Brookline community?

What community-based service models serving vulnerable people exist nationally and internationally and what, if any, of those models would best serve the Brookline community?

D. Research Process

This subcommittee started meeting on October 1, 2020, and has met weekly since then. To date we have had 15 meetings. Several members of the public have joined us for the meetings and have, on occasion, engaged in the discussions, provided feedback, and asked questions.

[7] The sub-committee voted to remove “domestic violence” from its scope on 11/19/20, and this change in scope was shared with the Reimagining Police Task Force, including the chair, on 11/20/20. We decided that the issue of domestic violence was significantly different from the other issues because there is significant public opinion that the other issues may not be best addressed through criminalization, while there is no such public opinion with regards to domestic violence.

1. Literature Review

The subcommittee reviewed dozens of national and international articles and websites, and attended two webinars, related to community supports and services. The focus of the literature review was existing programs which served people in crisis, including non-police crisis service programs, several housing program models, jail diversion models, and the Crisis Intervention Treatment BPD model. [See Appendix S for a full report on our research.]

We used this research to shape our interviews and our recommendation priorities.

2. Interviews

A. 10/29/2020: Annabel Lane, social worker with BPD (funded through the State Dept. of Mental Health) and Lt. Jennifer Paster, BPD. The interview focused on the BPD Crisis Intervention Team and its use in the community.
B. 11/5/2020: Ian Lang, executive director; Megan Smith, director of community services; and Heather Lykas, chief strategy officer; Brookline Center for Community Mental Health. The interview focused on services that the Center offers, successes and challenges, gaps in services for the Brookline community, and recommendations for services and alternatives to police interventions for crisis.
C. 12/21/2020: 30-minute telephone call between Anne Weaver and Asantewaa Boykin R.N MICN, Director of MH First, a mental health crisis response team based in Sacramento CA. The discussion focused on the services and supports offered by MH First to members of the community who requested support in crisis situations.
D. 01/07/2021: Tim Black, Director of Consulting, CAHOOTS, Eugene Oregon (Crisis Helping Out on the Streets). The interview focused on how the CAHOOTS model works, challenges and limitations of the CAHOOTS model, data on savings from the model, consulting process, gaps in services, and recommendations to enhance the model.

[See Appendix R for full interview notes.]

3. Task Force Community Survey responses

Data analysis from the 2020-2021Task Force Departmental Analysis subcommittee survey of 25,000 Brookline residents[8] showed that a significant percentage of survey respondents preferred community crisis workers to respond to non-violent crisis situations instead of police responders, except in domestic violence cases.

The report states:

> "In responding to someone experiencing a mental health crisis or is suicidal, 4% think the police should respond, **83%** think social service workers should respond and 12% think both should respond. In dealing with a homeless person, 5% think the police should respond, **88%** think a social service worker should respond, and 8% think both should respond. In dealing with a dispute among neighbors or a disorderly minor, 23% think police should respond, **64%** think a social service worker should respond, and 13% think both should respond. In dealing with a case of domestic violence or abuse, 42% think the police should respond, 26% think social service workers should respond, and 31% think both should respond. In most of these scenarios, particularly those that are noncriminal, the public overwhelmingly favors social service workers responding rather than police."
> (https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report p. 11, boldface added)

II. Recommendations

According to much of the research the sub-committee reviewed, including work by Alex Vitale,[9] El Sabawi & Caroll's 2020 article on crisis intervention model reform[10], and a Brookings Institution report on first responders' roles in mental health crisis support,[11] law enforcement officers should not be the primary responders for persons in mental health and substance abuse crises. Forging partnerships with the mental health community as well as adequately following up on crises, for example, may be challenging for law enforcement agencies. Law enforcement involvement is also known to exacerbate mental health and substance use concerns. Additions to a person's criminal record make it harder or impossible to find housing. Law enforcement use of force against persons of color has been documented to have a negative impact on the overall mental health of the community. Research has also shown that individuals experiencing non-criminal mental health and substance abuse crises do not want a police response.

As stated above, this subcommittee was charged with researching crisis service models and community-based service models in order to determine if these models were adequately serving the needs of vulnerable people in Brookline. We concluded that the current services and supports offered to vulnerable people in Brookline do not adequately meet the needs of our community [see Appendix C for a list of the current community services and programs] and we offer the following recommendations on modifying and/or replacing the current programs.

The subcommittee received strong support for this report and our recommendations during a public hearing on February 4th, 2021. Twenty-six public attendees came to the hearing, and 12 gave public comments. All of the public comments were favorable to this subcommittee's recommendations. [See Appendix V.]

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[8] See https://www.brooklinema.gov/DocumentCenter/View/23435/hersh_survey_report for full survey data and analysis.

[9] Vitale, A. (2017). *The end of policing*. Verso Books.

[10] El-Sabawi, T., & Carroll, J. J. (2020). A model for defunding: An evidence-based statute for behavioral health crisis response. *Elon University Law Legal Studie*s, page 19. DOI: http://dx.doi.org/10.2139/ssrn.3683432

[11] Butler, S. M., & Sheriff, N. (2020). Innovative solutions to address the mental health crisis: Shifting away from police as first responders. Brookings Institution. https://www.brookings.edu/research/innovative-solutions-to-address-the-mental-health-crisis-shifting-away-from-police-as-first-responders/

A. Consult with CAHOOTS to Develop New Services

1. The CIT Program Is Not Evidence-Based

The Brookline Police Department is trained for mental health crisis calls through a program called CIT ("Crisis Intervention Team"). There is little to no evidence[12] that changes in officer skills or knowledge gained by CIT training predict desirable changes in call dispositions or use of force. Officer training, the backbone of the CIT model, generally includes education about mental illness, the causes, signs and symptoms, communications skills, and de-escalation skills. But again, there is currently no evidence that the CIT approach is effective at producing its desired outcomes.

In their 2020 law review of crisis model reform, El-Sabawi and Carroll wrote that "while there is ample evidence that CIT training is effective in increasing officer knowledge and confidence" when responding to a call involving a person with mental health issues, "whether [the officers] behaviors on the job subsequently change as a result of [CIT] training is largely unknown" (p. 19). Similarly, in an article reviewing police-citizen" encounters in Illinois involving persons in a mental health crisis, Gatens (2018) stated that "[A] lack of empirical research exists on the effectiveness of the specific components of CIT in achieving its goals and objectives… CIT is not presently considered an evidence-based program … by entities that compile evidence-based practices and programs" (p. 4).[13]

Finally, in a literature review of CIT practices and goal achievement, Rogers, McNiel, and Binder (2019) noted a number of unknown variables associated with determining CIT effectiveness, including location and insurance-specific variables, possible publication bias leading to a reduction of research showing a null effect or adverse cost increases associated with CIT, and comparisons with alternative models. Rogers et al. (2019) also observed that a person undergoing a mental health crisis is often also under the influence of recreational drugs or alcohol and that there is a well-established risk factor between persons who are intoxicated and increased police use of force.[14]

For these reasons, while CIT is an effective training program for police officers to learn how mental health issues can impact crisis interventions, there is no research at this time that would qualify it as an evidence-based model for police response with a person in mental health crisis, and there are reasons to be cautious on sending police officers as first responders.

Therefore, we believe that the current crisis model (BPD) needs to be replaced with a community-based crisis model. And that of the models we have researched, the CAHOOTS model, perhaps with some modifications, seems like the best fit for Brookline.

2. The CAHOOTS Model

Under the CAHOOTS model, 911 dispatchers send mental health-related issues to a CAHOOTS crisis support team instead of police. That team acts as first responders in those instances. This model offers a viable alternative to police for responding to mental health crises. CAHOOTS was established in Eugene, OR in 1989, making it one of the oldest non-police response programs in the country.

[12] The most recent research indicates that CIT has no effect on police behavior in the field. See: Taheri, S. A. (2016). Do crisis intervention teams reduce arrests and improve officer safety? A systematic review and meta-analysis. *Criminal Justice Policy Review, 27*(1), 76-96; and also Sei, C., Kim, B., & Kruis, N. E. (2021). Variation across police response models for handling encounters with people with mental illnesses: A systematic review and meta-analysis. *Journal of Criminal Justice, 72*, 1-14.

[13] Gatens, A. (2018). *Responding to individuals experiencing mental health crises: Police-involved programs*. Chicago, IL: Illinois Criminal Justice Information Authority, page 4.

[14] Rogers, M. S., McNiel, D. E., & Binder, R. L. (2019). Effectiveness of police crisis intervention training programs. *J Amer Acad Psychiatry Law, 47*(4), pages 1-8.

We interviewed Tim Black, the director of CAHOOTS's consulting program. [See Appendix A for full notes from our interview]. CAHOOTS was established in 1989 in Eugene, Oregon, and its model has been replicated in several towns and cities across the country. It is a non-profit organization which operates via a third-party contract provided by law enforcement.

CAHOOTS crisis support consists of two-person teams consisting of a medic (a nurse, paramedic, or EMT) and a crisis worker who has substantial training and experience in the mental health field. The CAHOOTS teams deal with a wide range of mental health related crises, including conflict resolution, wellness checks related to overdose, welfare checks, substance abuse, suicide threats, and more. The teams use trauma-informed de-escalation and harm reduction techniques during their work with a person in crisis. When the mobile team responds to a call, they provide immediate stabilization by addressing emergent medical or psychological concerns. They then assess the person to determine how best to assist them through providing information, making referrals to services, advocacy to resolve a concern, and if need be, transportation to a facility for more intense services. Non-police crisis response services must be carefully designed to avoid perpetuating old problems; CAHOOTS successfully avoids that problem.[15]

According to CAHOOTS, out of the approximately 24,000 calls that they responded to in 2019, police presence was only required during 250—or approximately 1%—of those calls (El-Sabawi & Carroll, 2020, p. 26). CAHOOTS staff are not law enforcement officers and do not carry weapons. Their training and experience are the tools they use to ensure a non-violent resolution of crisis situations. They receive 70-80 service calls per day in the Eugene, Oregon metro area (including the neighboring city of Springfield, Oregon). They call for police backup less than once a day.

CAHOOTS saves money by diverting people from EMS, the hospital system, and the criminal legal system (the costs of nights in jail, tickets, court time, etc.). Tim Black estimated that for every $1 spent on CAHOOTS, $5 goes back into the community. CAHOOTS also supports and uplifts small community organizations.

3. Recommendation for Consultation with CAHOOTS

We recommend a formal consultation with them to help us build something that works for our community. They have an existing consultation system. They do not simply replicate the same program in different cities and towns; they custom-build a unique program for each community, responding to our resources and needs.[16]

Not only does CAHOOTS provide consulting and strategic guidance to communities who seek to implement a similar model, it also assists advocates with writing grant proposals to cover costs of initial planning and implementation fees. Per discussion with TIm Black, the consultation fee can vary between $10,000 - $25,000.

To be clear, we are not currently proposing any reduction of the BPD budget in order to cover this program, nor are we recommending that the BPD CIT program be reduced, or eliminated. Indeed, it is critical that our police department be trained in crisis intervention and de-escalation techniques for times when police interventions are warranted. We will determine financial options for the CAHOOTS program through the consulting process.

[15] Article critiquing the NYC new crisis support program:

https://filtermag.org/nyc-new-non-police-mental-health-crisis-response-policing/amp/

Article on how Black and brown people in crisis are not always best served by ER hospital care: https://www.themarshallproject.org/2020/11/08/when-going-to-the-hospital-is-just-as-bad-as-jail?fbclid=IwAR3RNt1k2e5e87GXhiBdvWAE0wZw8iRoyqA2mwLZdTrZ2Janbdip7XaBoas

[16] The town of Rochester, New York, is currently consulting with CAHOOTS. https://www.rochestercitynewspaper.com/rochester/bill-would-put-rochester-in-cahoots-with-oregons-white-bird-clinic/Content?oid=12573043; https://www.wxxinews.org/post/city-council-approves-consulting-contract-cahoots-operator.

As with the development and staffing of new community-based services and supports listed below (Recommendation B), the hiring requirements for this new Brookline crisis intervention team should not necessarily be based on the prospective employee's educational background, but instead on their prior experiences and training in person-centered, trauma-informed, and harm reduction methods of care. Shared lived experience and personal connections with the community being served can sometimes be a more important job qualification than how many undergraduate and graduate degrees a job candidate may have. Thus it would be important to consider many factors when hiring for these positions in order to best serve and support the people in our community receiving these services.

B. Implement Additional Pre-Crisis Services

As mentioned above, our interviews with the Brookline Police Dept CIT and the Brookline Center for Community Mental Health indicated the need for increased and community-based pre-crisis services in order to better serve vulnerable people in our community and reduce crisis calls.

There are several existing community-based resources on these issues available in Brookline. These include the Brookline Center for Community Mental Health, the Brookline Health Department resource page, Step by Step Supportive Services, Alternatives to calling Police/Boston Resources by Mutual Aid Medford and Somerville, The A.C.E. Collectives (Alternatives to Calling 911), and the Massachusetts Housing and Shelter Alliance.

Although many of the above services exist in and around the Brookline area, none of them serve to prevent crises. [See Appendix C for more details and links to these services.] During our interview on November 11, 2020 ,the Brookline Center for Community Mental Health noted gaps in these services and outlined the need for several of the following services, which do not currently exist in Brookline. These services should address the underlying issues at play, including safe housing, quality education, access to health care, and other basic human rights.

<u>1. Pre-Crisis Services</u>

We need more social services to assist people in order to *prevent* crisis, and to support people who might be struggling with isolation, homelessness, and/or substance use.

Such services might include:

- Peer support specialists:
    - This includes a number of services designed to support people with mental illness or substance abuse issues. Peer support services are provided by trained specialists with "lived experience," who use that experience to build relationships of trust with people and provide needed support.
- Case managers who connect people with support systems
    - Case managers can help people apply to welfare systems like food stamps, get them in touch with counseling and victim services, provide transportation to appointments, etc.
- Mobile treatment teams
    - This enables staff to reach out to people where they are and not require people to visit a physical location in order to receive help.
- Community drop-in center

    - A place open during the day where people who are struggling with mental health issues, homelessness, or substance use, can go and receive peer support. This can help prevent isolation and help people build skills.
- Housing specialists / Supported housing
    - Supported housing is a comprehensive set of services including a housing subsidy and social support for being a successful tenant. It allows people with serious mental illness or substance abuse issues to live in their own apartments and homes within their community. Tenancy rights should not be conditioned on participation in treatment or compliance with any other criteria.
- Employment specialists
- Expansion of service capacity and language capacity at the Brookline Center

2. Follow-Up Services

We also need more social services to provide appropriate follow-up and support people after a crisis occurs.

Such services might include:
- Mobile crisis services (i.e., the CAHOOTS model)
    - Mobile crisis services are typically provided by teams of professionals trained to de-escalate individuals in crises.
- Community support bridging
    - A case manager, often a peer, dedicated to helping people find stable footing after a crisis.
- Same-day crisis therapy appointments that are available with a phone call
- Community-based embedded teams to provide services outside the building
- CAHOOTS suggested further possibilities:
    - Low-barrier shelter, and a variety of shelter options
    - Addiction services
    - Crisis respite

C. Publicize Existing Social Services

Brookline already has several existing social services. [See Appendix C for a list of services.] It is difficult, however, to find out what services are available unless you already know what you're looking for. People who are in the midst of a crisis may have a particularly difficult time doing the research necessary to find help.

We should increase access to these services by publicizing them. There should be a single web page, easy to find on the town website, which lists these services and their contact information. The town should also invest in periodically advertising these services and providing public education so that people know to look for them.

D. Form a Social Services Department in Brookline That Would Implement Recommendations A, B, and C

The lack of a social service agency in Brookline is a gaping hole in our government. The Town has a Health Department, but nothing which oversees social services. We have an opportunity to build a new department that would both develop and oversee the community-based services and supports in Brookline.

A Social Services Department would coordinate existing services, partner with agencies to enable communication across organizations, and not only get to the root of social issues, but also create and execute policies which support our community. The department would connect people who work with public housing and mental health; it would work with fire and building departments to make sure people are living in safe housing; it would work with the School Department and with the Brookline Housing Authority to create community-based services and supports that serve the needs of Brookline students and BHA residents.

This final recommendation could serve as the means to implement our previous three recommendations. A Social Services Department would partner with the Town health department, the Brookline Center for Community Mental Health, and the police to create the CAHOOTS program. In addition, it would implement new pre-crisis social services and educate the public about both new and existing social services.

Brookline Forward

The Task Force proposes the creation of a new social service department in Brookline. It will address gaps in our social safety net that are currently being addressed through policing. The focus of this department would be to address the symptoms as well as the root causes of the inequities outlined below. The name Brookline Forward is a placeholder.

Brookline Forward will provide residents with the support they need to thrive. A new, innovative department of the Town of Brookline, Brookline Forward will partner with the Brookline Housing Authority, Public Schools of Brookline, Brookline Senior Center and local social service agencies to deliver timely, critical services, while conducting research, analyzing data, and implementing programs designed to counteract economic, health, and other inequities deeply rooted in racism, sexism, ageism, and other forms of oppression.

Brookline Forward will bring together existing offices under one umbrella including the:

- Office of Diversity, Inclusion & Community Relations;
- Council on Aging; and
- Office of Veterans' Services.

While establishing new offices including:

- Youth & Family Services;
- Community-Based Crisis Response;
- Immigrant & Refugee Services; and
- Economic Equity.

Brookline Forward will also provide staff support for the:

- Domestic Violence Roundtable;
- Commission for Women;
- Brookline Commission on Disability; and
- a new council on LGBTQIA+ Inclusion.

Brookline Forward will also partner with other Town departments as necessary to meet community needs. This includes working with Health & Human Services to develop a mental health incident response team, with the Building and Fire Departments to ensure residents are living in safe housing, and with the Police Department on diversion efforts for youth.

Brookline Forward will be funded by municipal dollars, including funds shifted from the Police Department, as well as local, state, and federal grants.

In addition to existing personnel, new staff at inception may include one administrative and three professional staff members as well as a new Commissioner to lead the department.

Appendices

Appendix A: Task Force Charge

The Task Force to Reimagine Policing in Brookline will explore and recommend new approaches to public safety and policing in Brookline. The Task Force will utilize a data-informed approach to interrogate our current model and provide a distinctly alternative approach to public safety.

The Task Force will:

- Seek to understand our current approach to public safety
- Seek to understand how certain populations (including, but not limited to, Black, Indigenous, People of Color, Women & LGBTQ+ people) experience policing in Brookline
- Explore alternative models of public safety in the US and abroad
- Conceptualize new models of public safety that have yet to be imagined
- Consider which police functions are better suited for other departments
- Solicit public feedback and ideas through robust community engagement
- Make recommendations for meaningful changes that can be enacted by the Select Board, Town Meeting, School Committee, or other relevant bodies
- Make legislative recommendations to our state and congressional representatives
  Other tasks may be determined by Task Force members and community input.

Membership

Voting Members: Voting members shall consist of Select Board Member Raul Fernandez (who will serve as Task Force Chair), Advisory Committee Chair Mike Sandman, and nine Brookline residents committed to reforming and reimagining Brookline's model of public safety, at least half of whom are people from communities disproportionately impacted by policing (including Black, Indigenous, People of Color, Women, and LGBTQ+ people).

Staff Members: The following Town staff or their designee shall serve as non-voting members: Chief of Police, Chief Diversity Officer, Human Resources Director, Town Administrator, and Town Counsel.

As Needed Staff and Outside Consultants: The Task Force shall consult with outside consultants or other Town staff or their designees, as needed, including the Fire Chief; Health and Human Services Director; Transportation Administrator; School Superintendent; Executive Director of the Community Mental Health Center; Brookline Housing Authority Director, representative of the Courts; the Norfolk County District Attorney; Police Department social worker, School Department social worker, teachers, academic researchers, or other appropriate persons.

Community Consultants: Task Force Chair Fernandez shall identify no more than ten residents to serve as non-voting community consultants. They shall be chosen from among those who submitted Task Force applications but were not selected, and shall possess an openness to reimagining Brookline's model of public safety. At least half will be people from communities disproportionately impacted by policing. The Task Force shall schedule public meetings to hear and discuss ideas, suggestions, and criticisms with these community consultants, in addition to forums that are open to all members of the public.

Approximate Timeline

July 21, 2020
Approval of Task Force charge.

August 11, 2020
Appointment of Task Force members.

October 15, 2020
Interim recommendations including FY21 budget and policy adjustments and list of any actions taken by the Select Board pursuant to recommendations of the Task Force.

February 1, 2021
Final Task Force recommendations, including FY22 warrant articles and budget considerations for Annual Town Meeting.

The Task Force may also submit recommendations to the Select Board at any time.

Appendix B: Survey Instrument

Brookline Police Survey

Start of Block: consent

Q1 I am a researcher from Tufts University, in Massachusetts. I am conducting a research study to learn more about your experiences with and views towards the local police. This survey will ask you some questions for my research. It will take approximately 10 to 15 minutes of your time.

You must be 18 years of age or older to participate in this survey.

It's your decision, and there are no consequences to saying no. I don't anticipate any major risks to participation, but you may feel uncomfortable answering some questions. If at any time during the survey you want to stop participating, you are free to end your participation by closing the survey on your computer or device.

You will not receive any compensation for completing the survey. Your responses may be used in publications or presentations. I will not possess nor share identifiable information about you. Below you can find my contact information and the contact information of the research oversight board at Tufts, the Tufts SBER IRB, if you need to get in touch about this research at any point in the future.

For questions or concerns about the research study or procedures, or if you need to notify someone of a complaint, please contact the researcher:

Name: Brian Schaffner
Tufts University Department or School: Tisch College
Email: brian.schaffner@tufts.edu
Phone Number: 617.627.3467

If you have questions or concerns about your rights as a research participant, or if you would like to discuss the study with someone outside of the research team, contact the Tufts SBER IRB:

Tufts University
Social Behavioral & Educational Research
Institutional Review Board (SBER IRB)
75 Kneeland Street, 6th Floor | Boston, MA 02111
Telephone: 617-627-8804
Email: sber@tufts.edu
Website: http://viceprovost.tufts.edu/sberirb/

By clicking the box below, you agree to participate in this study.

○ I agree to participate (1)

What is your year of birth?

_____

What is the highest level of school you have completed or the highest degree you have received?

○ Less than high school degree (1)

○ High school graduate (high school diploma or equivalent including GED) (2)

○ Some college but no degree (3)

○ Associate degree in college (2-year) (4)

○ Bachelor's degree in college (4-year) (5)

○ Master's degree (6)

○ Doctoral degree (7)

○ Professional degree (JD, MD) (8)

Which category or categories best describe you. Select all that apply.

☐ White (1)

☐ Hispanic, Latino/Latinx, or Spanish origin (2)

☐ Black or African American (3)

☐ Native American/American Indian/Indigenous or Alaska Native (4)

☐ Asian (5)

☐ Native Hawaiian or Pacific Islander (6)

☐ Middle Eastern or North African (7)

☐ Another race, ethnicity, or origin: (8)

_____

What is your gender?

○ Man (1)

○ Woman (2)

○ Other (3)

Are you the parent or guardian of any children under the age of 18?

○ Yes (1)

○ No (2)

Display This Question:

If parent = 1

Are you the parent or guardian of a child currently enrolled in school?

○ Yes (1)

○ No (2)

Are you registered to vote?

- ○ Yes (1)
- ○ No (2)
- ○ Not sure (3)

How satisfied are you with the job the Brookline police department does?

- ○ Very satisfied (1)
- ○ Somewhat satisfied (2)
- ○ Neither satisfied nor dissatisfied (3)
- ○ Somewhat dissatisfied (4)
- ○ Very dissatisfied (5)

Have you ever had any negative interactions with the Brookline Police?

- ○ Yes (1)
- ○ No (2)

Have you ever had any positive interactions with the Brookline Police?

- ○ Yes (1)
- ○ No (2)

Display This Question:

If Q10 = 1

Please describe the most negative experience you have had with the Brookline Police Department:

_____

_____

_____

_____

_____

Display This Question:

If Q11 = 1

Please describe the most positive experience you have had with the Brookline Police Department:

_____

_____

_____

_____

_____

How many times in the past 12 months have you interacted informally with a Brookline Police officer regarding something other than criminal activity?

▼ None (1) ... Ten or more times (11)

How many times in the past 12 months have you contacted the Brookline Police Department to report suspicious or criminal activity?

▼ None (1) ... Ten or more times (11)

Q19 Have you ever felt discriminated against by the Brookline police because of your...?

	Yes (1)	No (2)	Not sure (3)
Race or ethnicity (1)	○	○	○
Gender (2)	○	○	○
Sexuality (3)	○	○	○
Economic status (4)	○	○	○
Religion (5)	○	○	○
Ability to speak English (6)	○	○	○

Q20 Has language ever been a barrier to your communication with local law enforcement?

○ Yes (1)

○ No (2)

Display This Question:

If Q10 = 1

Or Q11 = 1

Have Brookline police officers ever...? (Select all that apply)

- ☐ Struck you or restrained you with a baton (1)
- ☐ Handcuffed you (2)
- ☐ Tasered you (3)
- ☐ Pointed a gun at you (4)
- ☐ Restrained you on the back of a car (5)
- ☐ Pushed you to the ground (6)
- ☐ Used tear gas on you (7)
- ☐ Searched your car or residence without your permission (9)
- ☐ ⊗ None of these (8)

Has a family member or friend of yours ever had a negative experience with the Brookline Police?

- ○ Yes (1)
- ○ No (2)
- ○ Not sure (3)

Thinking now about your oldest child under the age of 18, how comfortable would you say they are with the police?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)
- ○ Somewhat uncomfortable (4)
- ○ Very uncomfortable (5)

Are law enforcement officers stationed at your child's school?

- ○ Yes (1)
- ○ No (2)
- ○ Not sure (3)

Display This Question:

If Q24 = 1

Does having law enforcement officers stationed at your child's school make you feel...?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)

○ Somewhat uncomfortable (4)

○ Very uncomfortable (5)

Has your child ever been involved in a disciplinary action at school involving a police officer?

○ Yes (1)

○ No (2)

○ Not sure (3)

Display This Question:

If Q25 = 1

Please describe this experience:

_____

_____

_____

_____

_____

Do the Brookline police make you feel...?

○ Mostly safe (1)

○ Somewhat safe (2)

○ Somewhat unsafe (3)

○ Mostly unsafe (4)

If you needed help, how comfortable would you feel calling the police?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)
- ○ Somewhat uncomfortable (4)
- ○ Very uncomfortable (5)

If you had a negative experience with a Brookline police officer, would you know how to file a complaint against that officer?

- ○ Yes (1)
- ○ No (2)

If you had a negative experience with a Brookline police officer, how comfortable would you feel filing a complaint against that officer?

- ○ Very comfortable (1)
- ○ Somewhat comfortable (2)
- ○ Neither comfortable nor uncomfortable (3)
- ○ Somewhat uncomfortable (4)
- ○ Very uncomfortable (5)

How often would you say that you worry about being the victim of police brutality?

- ○ Very often (1)
- ○ Somewhat often (2)
- ○ Not too often (3)
- ○ Never (4)

Do you believe the Brookline Police equitably serve the interest of all people, regardless of race, ethnicity, religion, gender, citizenship status or class?

- ○ Yes (1)
- ○ No (2)

How do you think the Brookline Police treat the following groups:

	Very fairly (1)	Somewhat fairly (2)	Somewhat unfairly (3)	Very unfairly (4)
White residents (1)	○	○	○	○
Black residents (2)	○	○	○	○
Hispanic residents (3)	○	○	○	○
Asian residents (4)	○	○	○	○

How effective are the Brookline Police at...

	Extremely effective (1)	Somewhat effective (2)	Somewhat ineffective (3)	Very ineffective (4)	Not sure (5)
Ensuring public safety (1)	○	○	○	○	○
Fighting crime (2)	○	○	○	○	○
Making residents feel safe (3)	○	○	○	○	○
Holding police officers accountable (4)	○	○	○	○	○
Developing relationships with members of the community (5)	○	○	○	○	○

Which of the following police tactics and weaponry do you believe Brookline police should be allowed to use to ensure public safety? (Check all that apply)

☐ Pepper spray (2)

- ☐ Physical strength (hand control) (3)
- ☐ Choke holds (4)
- ☐ Impact weapons (batons) (5)
- ☐ Tear gas (6)
- ☐ Tasers (7)
- ☐ Restraint devices (handcuffs or zip ties) (8)
- ☐ K-9 Dog bite-and-hold (9)
- ☐ Beanbag munitions (rubber bullets) (11)
- ☐ Firearms (12)
- ☒ None of these (13)

Listed below are reforms that have been proposed to reduce police interactions that result in the use of deadly force. How effective do you believe each of these would be at reducing or eliminating deadly interactions?

	Very effective (1)	Somewhat effective (2)	Somewhat ineffective (3)	Very ineffective (4)	Not sure (5)
Having police officers attend trainings on how to de-escalate conflicts (1)	○	○	○	○	○
Having police officers wear body cameras to record	○	○	○	○	○

officer activities (2)					
Educating police officers on the history of police departments (3)	○	○	○	○	○
Ending the Department of Defense program that sends surplus military weapons and equipment to police departments (4)	○	○	○	○	○
Banning the use of chokeholds (5)	○	○	○	○	○
Diversifying the police department (6)	○	○	○	○	○
Having police officers attend trainings on racial bias (7)	○	○	○	○	○
Reduce funding to the police department by at least 10% (8)	○	○	○	○	○

Abolish the police department (9)	○	○	○	○	○

In given situations, it is possible to have either police or social service workers (such as social workers, medics, or mental health professionals) respond. For each of the following situations, please indicate whether you think it would be better for the police or social service workers to respond?

	The police (1)	Social service workers (2)	Not sure (3)
Individuals who are intoxicated or have overdosed (1)	☐	☐	☐
Armed individuals (2)	☐	☐	☐
Individuals experiencing mental health crises or who are suicidal (3)	☐	☐	☐
Homeless individuals (4)	☐	☐	☐
Neighbor disputes and disorderly kids or truants (5)	☐	☐	☐
Robberies or instances of theft (6)	☐	☐	☐
Domestic violence and abuse (7)	☐	☐	☐

Some communities have Civilian Review Boards which are made up of residents. These boards review the actions of police and hear complaints from residents about police behavior. Do you think Brookline should have a Civilian Review Board?

○ Yes (1)

○ No (2)

○ Not sure (3)

If Brookline did create a Civilian Review Board, which of the following powers do you think that board should have? (Select all that apply)

☐ The power to hire police officers (1)

☐ The power to fire police officers (2)

☐ The power to set policies for policing (Ex: What should the use of force look like?) (3)

☐ The power to set priorities for policing (Ex: Should the homeless be criminalized or should officers help in connecting them to housing?) (4)

☐ The power to Investigate all police shootings (5)

☐ The power to investigate allegations of excessive force and abuse (6)

☐ The power to pass judgement on the disciplinary process against officers in violation of policies or law (7)

☐ The power to negotiate police contracts (8)

☐ ⊗ None of these (9)

Brookline currently spends more than $17 million on the police department, which is approximately 5.6% of the entire Brookline city budget. Do you think funding for the Brookline Police Department should be...?

○ Greatly increased (1)

○ Somewhat increased (2)

○ Kept the same (3)

○ Somewhat decreased (4)

○ Greatly decreased (5)

Which of the following would you support in order to ensure public transparency into the operations of the Brookline Police Department? (Select all that apply).

▢ Making public the details of the department's internal process in addressing violations of conduct and crimes committed by officers (1)

▢ Making public a list of all complaints against Brookline police officers and any disciplinary actions taken in response to those complaints (2)

▢ Making public a list of all lethal and non-lethal weapons carried by each patrol unit (3)

▢ Including community members in the investigation process of police misconduct (4)

▢ ⊗ None of these (5)

Finally, do you have anything else you would like to share with us regarding your views on policing?

_____

_____

_____

_____

_____

This survey is sponsored by the Brookline Select Board's Task Force to Reimagine Policing. If you have questions or concerns, you may email Selectboard member and Taskforce chair Raul Fernandez at rfernandez@brooklinema.gov or subcommittee chair Eitan Hersh at eitan.hersh@tufts.edu

Appendix C: Raw Survey Data

Survey data is available at the following link here.

Appendix D: Resources and Materials from the BPD

- Brookline Police Department Website
- Brookline Police Department Commendations & Complaints Brochure
- Brookline Police Department 2016 Final Letter on Racial Diversity, Outreach, and Organizational Culture
- Brookline Police Department 2017 Police Complaint Procedures Review
- Brookline Police Department 2017 Year End Review
- Brookline Police Department 2018 Year End Racial Disparities Report
- Citizen Complaint Process Overview
- Citizen Complaint Online Form
- Racial Profiling Prevention and Diversity Training Overview
- Recommended Changes to the Police Complaint Policy

Appendix E: Draft Interview Protocol for Trust-Building Conversations

- Table setting questions, such as “What are your views on what public safety means for Brookline? For your family?

- What kind of services do you think there should be to ensure public safety generally in Brookline? For your family?

- Do you see the way that you think about public safety reflected in the choices the Town is making?

- Do you see the way you think about public safety reflected in the public safety choices and solutions available to you?

- To what degree would you say you have a voice in creating or informing the Town’s current public safety strategies?

- Do the Town’s current public safety initiatives draw on information and expertise from community voices and community leaders that are important to you?

    - If no, who are those community voices and leaders? What insight and expertise do you think the Town is missing out on?
    - If yes, can you provide some examples of how their expertise and insight is informing the Town’s work in public safety?

- Do you perceive any barriers to participation in conversations about policing and public safety?

- Do you have recommendations for ways the Town can continue to collect data about policing and public safety?

- Are there Town-community collaborations for public safety (with or without police) that you are aware of?

    - If yes, do you believe that they are effective? Why or why not?
    - If no, are there collaborations that you think should be started?
    - If no, are there collaborations that *used to exist* that you think should be resumed?

- Thinking about the places where you think change needs to happen, what pieces would need to be in place for you to believe that the town was serious about making those changes?

- What else don’t we know about how you experience policing and public safety that we should know?

Appendix F: Interview recordings, statements, and transcriptions

Going Small Conversation Notes & Highlights

Conversation 1 - Black Femme Brookline Resdient

Why were you compelled to reach out to us about the survey?

Watches Townwide page on FB

- Expected Brookline to be a more understanding community about minority experiences. However, what is posted on the FB page doesn't always reflect that shared understanding/experience.
- Sees lots of great activism and meaningful work as well.
- Lots of people need to hear individual experiences in order to relate to it. You can read all the newspaper articles you want, but until someone shares their experiences and perspective - it's easy to block out.

Personal stories: (all within the last year and a half)

1. Brookline officer monitoring construction site. Crosswalk blocked off and an officer was standing where people would normally cross. Her anxiety was enough to motivate her to walk entirely around the block rather than do what most people did, which was jaywalk in front of the officer.
    - Fear and anxiety about interacting with the police officer
    - This was in contrast to her white partner who didn't hesitate with the officer
    - She has never had a good interaction with police
2. Older Black man was stopped in his car on the corner across from Trader Joe's in Brookline. He was being accused of stealing from a store.
    - She stopped to be present and watch as a bystander, even though she felt that as a Black person she may not be as helpful as a white person in this situation.
    - Quickly the officers called more and more officers to help with this man (the man in the car looked to be around 60, not doing anything "disrespectful" - didn't seem to be a threat in any way)
    - 6 officers standing around this man accusing him of theft
    - Quickly became harassment - "how could it be anything other than intimidation to surround this one man (a minority) with that many officers and question him"
    - There are protocols in place for this scenario that the officers did not do (ask a few questions and ask him to come voluntarily to the station).
    - Because they hadn't done any of those things, it became clear that they didn't have proof that this man committed a crime and were really just being intimidating and hoping to catch him in the act of something else.
3. May or June - heard car horns outside her apartment. Saw 4 police cars, several residents outside, an EMT truck, and a Black man and a Black woman (lots of blood on her face) in a car being questioned by police.

- Stood by again to act as a witness
- Other people assumed the situation might be a domestic violence (DV) incident that caused an accident - woman covered in blood, man not bloody but very upset
- She feared for the man, but thought DV was unlikely because police let the couple stand close to each other - police took statement, woman got in EMT truck
- She stayed to remind the man that he can remain silent if he does get arrested
- 5 police cars
- Everyone left the man alone (EMT took woman) and he found that he was locked out of his car
- Turns out man/woman got in accident and she hit her head (not dv)
- Police left without assisting him - He was now locked out of car - no one waited to see if he was ok, offered no medical assistance, no one made sure he could drive or that his car was safe to drive.
- Demonstrated why we need other services. Better trained people wouldn't have left him there after that traumatizing situation. Others services would have been beneficial.
- Her takeaway
    - While this was not an egregious offense, if police are truly community servants, why didn't they offer to drive him home or stay around to make sure he drove off safely, etc.?
    - Shows how pointless some police services are.

- **Do you have a vision of what you think public safety should be? Do you see that reflected in the choices the Town is making?**
    - She thinks about "Circle Justice" a lot, which is an alternative to child services
        - It's a community- based group of people whose first interest is the community, not their bonus or quotas or the gov't (this can really depend on your community - can be challenging)
        - The person affected picks the people in the circle so its a safe space
        - People are brought together in this way from the community to act as moderator, emotional support person, etc.
        - This is what social workers are for - to assist people when other resources fail - provide council and
        - Also many social workers feel more similar to police than this vision
    - What's needed is a sort of bookkeeper of resources that can provide the emotional support needed before a person is connected to those resources.
    - There's a lot of mending - we need to tear down the system and start from scratch. It will never be functional until there is a lot of healing in the community.

Personal Story

** "I will never be able to have a good relationship with police officers because the relationship and the history is too deep already" **

** “Growing up, my peers and I were so used to going to the police station to introduce ourselves to the police officers in our communities so that they would know who we were so we wouldn’t need to interact with them spontaneously in situations. There was constantly this idea that you have to get to know them before they can decide who you are in a moment. I’ve lived in MA for 8 years and every community that I live in I go introduce myself.”

- I’d call my friend who is a firefighter before I called the police.
- COVID 9pm curfew - She works until 9pm daily and wasn’t getting enough exercise. She was afraid of walking on her own on the street after curfew and getting in trouble or accused of doing something criminal or inappropriate
- She strictly adheres to COVID restrictions more than others because if there were anyone who would get in trouble, it would be her more than others.
- “There’s so much Black and Brown people do in communities to make themselves feel safe and then they are constantly surrounded by stimulus that tells them that they are not safe no matter what they do”
- “Even if an officer was working in a positive way in partnership with the housing authority and providing social services, I would not be comfortable using that service. I don’t think I could not trust it. I would not sign-up or use those resources.”

- **Do you see the way you think about public safety reflected in the public safety choices and solutions available to you?**
    - Yes and no - i disagree with what people are proposing relating to reforming the system rather than rethinking the system.
    - In Brookline we are appropriately policed. Not like Forest Hills or Dorchester
    - People here are more involved and community oriented
    - We are appropriately policed
    - Comes from the demographic of Brookline - only knows 1 other Black person here.
    - Brookline is out of touch with what a typical experience with police is

- **To what degree would you say you have a voice in creating or informing the Town’s current public safety strategies?**
    - I think there is a lot of opportunity - I feel like I could but I’m fearful of the reaction of the community
    - Option is there and space is given for people that look like me to get involved, but it’s not set up in a way that makes it comfortable for me to seak up with an opinion.
    - “I don’t put my BLM sign in my window because it feels too dangerous - because of things that are written and comments that are made (FB Townwide) I am not putting that on my window.”

** “Ironic that the public library is across the street from the police station - library should be a place of exploration and safety - If I were a Black teenager in Brookline, I would not be hanging outside by the library - feels like too much of an opportunity to get into trouble.” **

- **Do the Town’s current public safety initiatives draw on information and expertise from community voices and community leaders that are important to you?**
    - **If no, who are those community voices and leaders? What insight and expertise do you think the Town is missing out on?**
        - The community I would like to hear from doesn’t live in Brookline. There are very few voices of color

- **Do you perceive any barriers to participation in conversations about policing and public safety?**
    - “Yes, there’s a danger in openly stating my opinion”

- **Do you have recommendations for ways the Town can continue to collect data about policing and public safety?**
    - Issues with our survey
        - Similar to why people don’t fill out the census
        - Packaging - she would of thrown it away
        - If she were an immigrant or more barriers I wouldn’t of filled it out - looks like the government - doesn’t look like it’s coming from people who want to support her
    - How to improve the survey
        - Be in the community setting up shop
        - Have people in housing getting their neighbors to fill it out
        - Get the survey in businesses by the door
        - Needs to feel safer to fill out.

- **Are there Town-community collaborations for public safety (with or without police) that you are aware of?**
        - no

    - **If no, are there collaborations that you think should be started?**
        - It all falls on the training - Collaboration should have a Black/Brown organization that does trainings for these services
            - Levels of trainings - mental health
            - Interactions with Black/brown people
            - How to approach people
    - **If no, are there collaborations that *used to exist* that you think should be resumed?**
            - n/a

- **Thinking about the places where you think change needs to happen, what pieces would need to be in place for you to believe that the town was serious about making those changes?**
    - Putting their money where their mouth is - not just for show
    - Need to see buy-in from people she respects - professors, professionals (mental health, community leaders outside of systems of oppression)
    - Police budget is astronomical for how little they need to do in Brookline
    - Some of that money put into community efforts

- **What else don't we know about how you experience policing and public safety that we should know?**

    - As we do this work, we need to keep in mind the history. That's the first step in correcting the history
    - Acknowledgement of the Black/Brown folks in the community. Without reconciliation with acknowledgement of harm - I don't know how we can move forward.
    - If the Town and the BPD acknowledged even once that the history of policing has been detrimental. Because that hasn't happened there is so much left to do to create a new system or create a new one.

Conversation 2 - Local advocacy group for racial justice and equity

We must imagine (and strive for) a world with less punitive, more caring alternatives to our current public safety system (for example, a world with accessible, affordable healthcare; housing for all; high quality, free higher public education, etc.)

As the history of policing illustrates, it is a system of racial and class oppression. Regardless of if those are the explicit intentions of individual officers or departments, the institutional imperatives within policing manifest racial and class discrimination.Public safety has to encapsulate people's broader and economic and social needs. That's among the reasons that ideas such as expanding the vision of public safety to include things like youth programs is so appealing. It's more than keeping people from breaking into banks. It needs to be more holistic.

It is telling that the first opportunity to sit down with someone to talk about visions of public safety comes through this task force. Folks are not talking to one another. The public needs to be involved in defining what public safety looks like and it's not clear that has been happening in the Town's departments.

Front-line mental health and in domestic violence situations are ones where the solutions available in the town aren't full enough. But the solution can't be adding roles such as social workers and housing counselors to the police budget and payroll. If there is money to hire a social worker then that person should be doing work more upstream than just with policing where whatever expertise they have is primarily reactive. If we are truly interested in stopping domestic and sexual violence, are we doing anything within the education system to teach about healthy relationships? The public health department also does a good job of public education.

We need to consider models that allow us to provide social services and social supports completely outside of the police department and the armed agents of law enforcement. Food security is a huge issue in the Town of Brookline. We have to address things like that as fundamental issues -- the causes of despair -- as a way of thinking about addressing the causes of crime. However, we see little to no substantive action when it comes to providing/funding community supports. For example, the Town hasn't built a domestic violence shelter.

There is a difference between having a resource out there like the task force or even the Town's CDICR and actually having people in the community know that they are welcome and invited and have people reaching out to them. Even for someone who is really tapped in and is really involved, it is hard to keep up. There need to be multiple avenues for people to have their voices heard.

Unless people are making themselves clear as allies and having open conversation and show themselves as accepting of constructive criticism, it is really intimidating to offer any feedback around public safety in the Town.

It does not feel like anyone who has even a minor critique of the police or public safety system can have a voice given the *immediate* counter of that perspective by members of the Select Board. Town governance needs to include the voices of people who have been on the receiving end of policing.

Right now, the Town is not drawing on all the community leaders that they could in thinking about public safety. For example, Steps to Success contains students, young people, and people who grew up in public housing and their perspectives are not being included authentically. It is also important to tap both the experience of organizations such as Brookline Mental Health as well as those with lived experience of how policing and mental health are currently connected. It's not just input; it is *expertise*. The organizers of the summer 2020 demonstrations are the people whose input we also need to seek. This is the way for us to get beyond the limited perspectives that we have access to via Town government. If we are serious about community engagement, we must make it accessible for working class/lower-income people to run for and serve in elected office.

Recording meetings online can be scary for people. The ability to offer anonymous feedback online is important. But the problem might not just be the channels to provide input. People know how to file complaints and might at times be willing, but it may be that they are concerned that their concerns are going to end up in a drawer. It is important to provide consistent updates to the community on findings so that the community feels like their input is being heard and reflected back. It is necessary to have a formal space to share complaints, but it might also help improve and normalize the process of sharing feedback and complaints if there were an ombuds type of space.

More and better examples of community policing and police partnerships should not be the goal. If you were to ask organizations such as ACE, METCO, or AALS that work with students who can be directly impacted by contact with the police what types of resources are needed to support them, what kinds of job descriptions and titles would emerge?

For the Town to convey that it is interested in change that improves public safety, budget shifts need to occur. Really thorough communication to the community is also needed as well as indicating ways that the community can give ongoing feedback.

Conversation 3 - Local advocacy group for racial justice and equity

The Town does not have a representative vision of public safety because it is missing a planning model of any significance. This has the *intended* consequence of allowing an un-public safety system to flourish. There are no planning tools that involve people who most come in contact with the criminal justice system. Public safety is an institution that hires people with a very narrow mission and set of perspectives. There is no model in the planning process that specifies how the concerns of people of color will be included. If you are genuinely interested in a vision of public safety then you have to ask if people feel safe. The choices that the Town makes in public safety are about making White people feel safe. Public safety should include access to food and shelter. When making budget trade-offs between Town spending on policing resources versus spending on things like food security and the Town chooses the spending on policing then our priorities are not reflected.

It does not feel like there was an opportunity to have voices and perspectives listened to before the task force. There is a climate of fear. Who is going to go talk about public safety with the police department in Brookline? Things like the installation of the police officer at the ground floor of the high school that students of color have to walk past every day is a good example of who is being kept safe and who they are being kept safe from. Sharing the feedback that the presence of armed officers has a chilling effect on people causes a reactive response of being described as anti-police.

The Town needs to put in effort to solicit the perspectives of young men of color between the ages of 14 and 22 because they are likely to be treated negatively by the police. People in South Asian communities and people who are Muslim should be brought in to ask about and understand their perspectives. The Town should then work to combine their perspectives along with the perspectives of experts and academics that it has access to.

It is systemic in the Town that we do not hear from affordable housing residents. It is rare to see people who live in affordable housing present when groups are convened in the Town. What is the Town doing wrong that is keeping them from being present or participating when they are present? No one asks where they are when a group is convened that does not include their perspectives. There is not an abundance of evidence that the police are particularly interested in listening to the perspectives of people living in public housing. Whether it is real or perceived, there is the concern that providing feedback about the experience of policing can put peoples' housing status in jeopardy.

For the Town to be perceived as serious about making change, the element of fear needs to be eliminated from the conversation. You cannot have conversations with people who feel fear. The Town also needs to have a rigorous policy review process within the Town that works to eliminate the culture of fear as well as having skill in looking at data with a racial equity lens. This might include taking the steps of linking this to senior police management's performance review.

The Town should also consider a civilian review board that looks not only at individual complaints but also at broader systemic issues. That review board needs to be inclusive of people who have had experiences with policing (this is inclusive of both positive and negative experiences). There has to be some relationship between the people included in the demographics of people who are being stopped by or ticketed by Brookline police and civilian review.

The CDICR has a citizens complaint group (and a patterns of racism subcommittee) that meets regularly and the Town might consider whether these structures can be used to continue to collect data about residents' experiences of policing and public safety.

Appendix G: Additional Interviews, Conversations, and Transcripts

Statement by Heleni Thayre, 12/19/20
https://docs.google.com/document/d/1rQg2aT7eU4Jxs_yx1pFTDyeQD_54C5d8nPp7RwfT-80/edit?usp=sharing:

Testimony via Facebook by Christina Kovach, 12/11-12/12/20
https://docs.google.com/document/d/1F8OSlh0exj-DzKf9-Rs0HocOGAzUzQxJl8cj88RXmY8/edit?usp=sharing

BHA Resident 1
https://docs.google.com/document/d/10bvNWmSPomCXF9XBuIE3lQOoyrBrVyZO2i2BculAgdA/edit?usp=sharing

Select Board Committee on Policing Reforms and Task Force to Reimagine Policing in Brookline Joint Public Hearing Wednesday, September 30, 2020
https://www.youtube.com/watch?v=uiK5vKsF6TQ
Transcript at this link

Written statements submitted for the Select Board Committee on Policing Reforms and Task Force to Reimagine Policing in Brookline Joint Public Hearing Wednesday, September 30, 2020
https://www.brooklinema.gov/DocumentCenter/View/22626/93020-Joint-Public-Hearing-Packet?bidId=

Appendix H: Research Notes

1. Notes of interviews and research from Raul Fernandez

November 19, 2020

I spoke last week with Jivan Sobrinho-Wheeler of Cambridge, MA and Rigel Robinson of Berkeley, CA, two City Councilors leading the charge to consider making traffic enforcement a civilian function in their communities.

Both understand that this will require a lengthy public process and that any proposed alternative must maintain public safety while eliminating the disproportionate stops and mistreatment of Black and other people of color that are ubiquitous under the current policing model. Both are also mindful of state regulations that may preempt certain changes to traffic enforcement as well as the pushback from their own police unions and department leadership.

Both communities have begun hearings and have instructed city staff to explore alternatives.

Berkeley first took this up in July – see policy recommendation here. Berkeley has committed $75,000 to study this issue and to determine a roadmap for moving forward. Those funds are most likely to be spent on consultants with relevant expertise.

Cambridge held a public hearing on October 14th to discuss this issue, which is viewable here. Chi Chi's notes of this hearing are below

Rahsaan Hall, director of the MA ACLU Racial Justice Program spoke at the Cambridge hearing and presented illuminating statistics on the disproportionate enforcement of traffic laws on Black motorists. He's definitely someone we should speak with about this.

Automated traffic enforcement, including speeding cameras, are also being considered as a part of these communities' efforts to eliminate bias in traffic stops. However, there are reasonable concerns about surveillance (who's being watched) and equity (where the cameras are located) that need to be addressed. As Chi Chi pointed out, there is currently no provision for automated traffic enforcement in Massachusetts. It is currently legal in California for red lights, but not for speeding. Here's a list of laws by state, prepared by the Insurance Institute for Highway Safety.

2. Conversation between Chi Chi Wu and Rahsaan Hall, December 1, 2020

Rahsaan Hall is the Director, Racial Justice Program, American Civil Liberties Union of Massachusetts. I gave Rahsaan Hall an update on the Task Force and our activities, I sent him a link to our Google-viewable working document. Rahsaan informed me that the ACLUM and various stakeholders are having conversations on the state level & with other municipalities on these issues, including traffic enforcement.

To the extent that Brookline adopts recommendations or there is need for advocacy, there could be collaboration with ACLUM

Regarding automatic camera enforcement, ACLUM is still working through its position. With adequate safeguards for privacy, it might be OK? A key issue is to ensure the equitable placement of cameras.

3. Chi Chi's notes from viewing the video of the Cambridge City Council Public Safety Committee hearing

On October 14, 2020, the Cambridge City Council's Public Safety Committee held a hearing focused on possible reforms and measures to reduce the role of police officers in traffic enforcement. Please note that the following is not a complete summary of the 2 hour hearing but rather my off-the cuff notes on points that I found interesting or possibly useful for our work.

City Councilor Quinton Zondervan began the meeting by stating that they were not proposing to have unarmed civilians pull over and stop drivers. Instead, they are exploring other methods to reduce racial disparities in traffic enforcement, such as automated camera enforcement and having civilians issue citations without stopping vehicles.

ACLU of Mass Racial Justice Program Director Raahsan Hall:
Mr. Hall gave the example of stopping a motorist for failure to yield as a problematic type of violation, because it is based solely on observation and thus could have a higher level of subjectivity. Seeing high numbers of failure-to-yield citations would be worrisome. Mr. Hall also pointed out that a low rate of issuance of citations for BIPOC motorists could actually be problematic because it means these motorists could have been stopped without cause.

Cambridge Police Commissioner Branville G. Bard, Jr.:
Commissioner Bard was upset because he had been told the hearing was to consider a proposal to shift traffic enforcement to civilians and had been prepared to discuss that issue. [My guess is that Councilor Zondervan figured out that Mass state law did not allow this and he had to pivot to other proposals)
Commissioner Bard also made some interesting remarks about how racial disparities could place a role in traffic enforcement in other ways. It's not just the number of stops that is important. Other factors include:
Duration- there can be disparities in how LONG a police officer stops Black vs white motorists
Results - there can be disparities in whose cars get searched when they are stopped
Reason for stop - police officers could be stopping Black motorists for minor equipment problems vs stopping white motorists for major moving violations
Commissioner Bard discussed using "internal benchmarking" and using a reason – result – duration analysis

Commissioner Bard also discussed how police officers have discretion, gave example of speeding

Note that Cambridge is getting a new records management system, which has a "procedural justice" module. Currently, Cambridge doesn't have data on race.

Hall: We need data on how much pretextual stops really catch criminals, is it worth it? (This seems to be the same question that Mike Sandman is asking). He noted that police usually respond after the crime has been committed, they don't prevent it. We also need data on how much traffic enforcement really improves safety, and whether civilians could serve some of the function.

Councilor Zondervan: Can we use civilians for after-the-fact enforcement that does not involve a stop, like a citizen complaint? Can we forgo issuing citations in certain situations? For example, if a motorist has a busted taillight or expired registration, we could send them a letter. After 2 letters, then they are issued a citation. [The City lawyer thinks this is questionable]

Later on, a BU Professor notes that currently under state law, there is no warrant required to search a car, just probable cause, but that states and localities are free to set higher requirements. So Cambridge could require a warrant to search a car.

Appendix I: Table Comparisons with Other Communities

"Peer" Communities and their Relevance to Reimagining

When we study any of our municipal services, whether police, schools or parks & recreation, we often seek comparisons with "peer" communities. Those comparisons are less useful when we are trying to reimagine how a service or set of services could be delivered. Nonetheless, it seems worthwhile to look at four groups of municipalities that could be defined as peers to consider whether further study would be useful as part of the reimagining initiative.

1. The first group are Boston-area suburbs with similar socio-economic levels. We often compare our services and our per-capita budgets with Newton, Lexington, Wellesley, and Belmont because they have relatively high per-household incomes and relatively similar demographics to Brookline. But they are fundamentally different in two important ways. First, a significantly higher percentage of Brookline's housing is rental property. Therefore, on average, families looking for excellent schools but which have fewer assets and, frequently, less income are more attracted to Brookline than to other suburbs west of Boston.

   And second, as home and rental costs have increased, Brookline has seen an increasingly bimodal distribution of income, as quantified by the 2013 report from the Brookline Community Foundation, *Understanding Brookline*. The BFC report showed significant growth in the number of households with $15,000 or less in income and a decline in the number of households with somewhat higher and mid-level income, up to $100,000. We are a more densely populated community with an income distribution that is more typically urban than the Boston suburbs with which we tend to compare ourselves. We probably need to consider what our neighboring municipalities can teach us, but they do not seem likely to be helpful in reimagining policing in Brookline.

2. The second group might be defined as "enclave communities" – independent municipalities that are partly or mostly surrounded by or immediately adjacent to a major city. Municipalities in that group include Santa Monica, CA (Los Angeles); University Park, Texas (Dallas); Clayton, MO (St. Louis); Beverly Hills, CA (Los Angeles); Evanston, IL (Chicago); and Bala Cynwyd, PA (Philadelphia). All of these municipalities -- even Beverly Hills -- have roughly similar population densities and racial demographics to Brookline and roughly similar mean and median household incomes. See table at this link.

   The useful comparison here may be the range of services the municipalities provide, whether through their police departments or through some other agency, and the budgets for those services.

3. The third group are municipalities that have begun working on their own reimagining initiatives, or have already developed new models for delivering the services provided by traditional police departments. Eugene, OR and its "CAHOOTS" program for responding to mental health issues and the initiatives just now starting in Cambridge and Berkeley, CA and under discussion in Madison, WI. The demographics of those communities are strikingly dissimilar from Brookline and from each other,, but it is probably not a coincidence that the political orientation in those communities resembles Brookline's.

4. The fourth group are Eastern Massachusetts municipalities with different socio-economic levels but similar populations, such as Malden and Weymouth. Finally, there is the City of Boston itself, which often looms large in the discussion of policing in Brookline. A table of information about police budgets, size of police force, FBI crime statistics and more for these municipalities is at this link. An analysis of this table seems to show that for smaller communities such as Brookline, Malden and Weymouth, the strongest correlation regarding size of police force and budget per capita is with the median income in the community, not FBI crime statistics.

Appendix J: Racial Composition of Nearby Municipalities and Neighborhoods

The racial composition of Brookline and the municipalities and Boston neighborhoods from which traffic originates that drives through Brookline is as follows:

Neighborhood/Municipality	White	Black	Latinx	Asian
Brookline	74.1%	3.2%	7.8%	15.9%
Allston	54%	6%	14%	22%
Brighton	65%	4%	11%	16%
Fenway	60%	4%	12%	20%
Jamaica Plain	55%	11%	24%	6%
Longwood	70%	6%	10%	11%
Mission Hill	44%	16%	20%	18%
West Roxbury	69%	10%	10%	8%
Newton	77%	3.3%	5%	14.5%
Wellesley	80.3%	2.9%	5.1%	12.4%
Natick	81.8%	1.9%	4.1%	12.9%
Framingham	69.5%	7.3%	16.1%	7.9%
Southborough	81.7%	0.7%	3.9%	14.4%
Dedham	84.3%	8.2%	8.7%	2.7%
Norwood	84.4%	7.2%	6.8%	5.4%
Walpole	85.1%	1.5%	10.5%	5.4%
Watertown	82.8%	1.6%	9.2%	9.9%
Cambridge	66.1%	10.7%	9.5%	16.7%

Data from:
Boston Planning & Development Agency Research Division, Neighborhood Profiles, August 2019
U.S. Census Bureau, QuickFacts (2019): Brookline, Newton, Wellesley, Natick, Framingham, Southborough, Dedham, Norwood, Walpole, Watertown, Cambridge

Appendix K: Traffic Enforcement Statistics

Provided by Former Chief O'Leary

The tables for this Appendix are available at this link:

https://drive.google.com/file/d/1uRK4Jo-DOkZj5B_Fp3eKR9V9AvTo6zzu/view

Appendix L: Changes to the SRO Statute

This is an account of the changes made to the SRO statute (G.L. c. 71, § 37) by the policing reform bill, which Governor Baker signed in December 2020.

Thank you to Associate Town Legal Counsel Michael Downey for reviewing and editing this summary.

I. Highlights

- The legislature created a special commission. This commission will "develop and review the model memorandum of understanding [MOU]" between police departments and schools, and make recommendations for changes to it. The commission must convene no later than March 31, 2021 and shall develop the first MOU no later than February 1, 2022 for implementation starting in the 2022 school year.
- **The police may only assign an SRO at the request of the school superintendent.**
    - This is in contrast to the prior language ("Every chief of police, in consultation with the superintendent…shall assign at least 1 SRO") which required the Chief to assign an SRO.
    - Text: "(d) For the purpose of fostering a safe and healthy environment for all students through strategic and appropriate use of law enforcement resources and to achieve positive outcomes for youth and public safety, a chief of police, at the request of the superintendent and subject to appropriation, shall assign at least 1 school resource officer..."
    - Section (f)—language which appeared in the previous statute as well—does not override the requirement for the superintendent's request. It indicates that if 1) the superintendent has requested an SRO, and 2) the police and superintendent together decide there isn't enough money for one, then the police will request that a state trooper stand in as an SRO.
        - Text: "(f) Notwithstanding subsection (d), if the chief of police, in consultation with the superintendent, determines that there are not sufficient resources to assign a school resource officer to serve the . . . school, the chief of police shall consult with the department of state police to ensure that a school resource officer is assigned..."
- The superintendent must, every year, 1) report to the dept of elementary and secondary education and 2) **make a public presentation to the school committee**.
    - This must include "(i) the cost to the school district of assigning a school resource officer; (ii) a description of the proposed budget for mental, social or emotional health support personnel for the school; and (iii) the number of school-based arrests, citations and court referrals made in the previous year disaggregated as required by the department of elementary and secondary education."
- The superintendent and police chief must review the SRO's performance every year.
- The superintendent and police chief must adopt, "at minimum," the MOU developed by the commission; they may add additional requirements; and **the final MOU must "be made public and placed on file annually** with the dept of elementary and secondary education and in the offices of the school superintendent and the chief of police."
- The dept of elementary and secondary education will "collect and publish disaggregated data regarding school-based arrests, citations and court referrals of students to the department and shall make such report available for public review."

II. Further Changes

- **Committee on Police Training and Certification**
    - Delegated Responsibility to "develop an in-service training program designed to train SROs," as defined in MGL c71, §37P
    - Training shall include:
        - Differences in legal standards regarding police interaction and arrest procedures for juveniles compared to adults;
        - Child and adolescent cognitive development, including instruction on common child and adolescent behaviors, actions and reactions as well as impact of trauma, mental illness, behavior addictions, and developmental disabilities on child and adolescent development and behavior;
        - Engagement and de-escalation tactics, specifically effective with youth;
        - Strategies for resolving conflict and diverting youth in lieu of arrest
        - Hate crime identification and prevention training curriculum including acquisition of practical skills to prevent, respond to and investigate hate crimes/incidents and their impacts on victim communities;
        - Anti-bias, anti-racism and anti-harassment strategies;
        - Bullying an cyberbullying;
        - SRO interaction with school personnel, victim communities and build public cooperation with law enforcement agencies.

- **Peace Officer Standards and Training Commission**
    - Police Officer must possess special certification to be eligible for SRO appointment – Current SROs have until December 31, 2021 to receive said certification.
    - Strangely, I do not see any description of the standards necessary, if any, to obtain the special certification.

- **MGL c71, §37L –** This section sets forth notice requirements to school personnel regarding their reporting requirements regarding child abuse and neglect, and a student's possession or use of a dangerous weapon on school premises.
    - **New Paragraph Added**, Prohibiting school department personnel and SRO to disclose the following information to law enforcement (subject to exceptions):
        - Immigration status
        - Citizenship
        - Neighborhood of residence
        - Religion
        - National origin
        - Ethnicity
        - Suspected, alleged, or confirmed gang affiliation, unless it is germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report.

Appendix M: Literature Review

A brief literature review of peer-reviewed articles was conducted to learn about previously conducted research and advocacy efforts related to community-based police programs and its impact, if any, on people living in affordable or public housing.

While there are a large number of journal articles published in the last three years which discuss the difference in perceptions of police by white versus BIPOC Americans (DeSoto, 2018; Scott Carter & Corra, 2018), there are few recent journal articles which focus on perceptions of current police community-based programs by white versus BIPOC community residents. More journal searches will be conducted to track down peer-reviewed articles on this topic.

Recent survey analysis research conducted by Stein and Griffith (2017) on resident and police perceptions of community policing found that the racial composition of a community with a community-based policing program has a strong impact on both resident and police perspectives of the program. Stein and Griffith conducted a study of three neighborhoods in an unspecified Midwestern city and found that the neighborhood with a significant majority white population (74%) called Shoreline had very different perceptions of community police programs than the other two neighborhoods, Mountain Top and Saints Village, which had far lower white resident populations (0.6% and 13.1%, respectively). Their results found that “More than half of the police officers indicate police are well respected in Shoreline (54%) and police have a good rapport with residents (54%). Less than 30% of the officers report respect and rapport with residents in Mountain Top and Saints Village (p. 147).

While Brookline, Massachusetts has different demographics than the neighborhoods studied in this article —income level and education level, for example — the marked difference of perspectives on community policing programs between BIPOC and white residents in the Stein and Griffith (2017) article is something to keep in mind while continuing to collect community perspectives on the W&T program. In the recent public forum jointly organized by the Reimagining Policing in Task Force and the Police Reform Committee on September 30, 2020, the residents who voiced pro-police perspectives often were middle-aged, or older, white speakers [10 out of 11 speakers were middle-aged or older and/or white], while those who expressed concerns about over-policing and police responses in Brookline tended to be younger residents and/or BIPOC [10 out of 13 speakers were young and/or BIPOC].

References

De Soto, W. (2018). Do police officers in the USA protect and serve all citizens equally? *Social Science, 7*(190), 1–11. doi:10.3390/socsci7100190

Scott Carter, J., & Corra, M. (2018). Seeing discrimination: Does acknowledging structural determinants of inequality impact support for the use of force by police among whites? *The Western Journal of Black Studies,* 42(1 & 2), 18–28.

Stein, R. E., & Griffith, C. (2017). Resident and police perceptions of the neighborhood: Implications for community policing. *Criminal Justice Policy Review, 28*(2) 139–154.

Appendix N: Interviews

Administrative Interviews

Walk & Talk Officer Interview transcript: Dec. 16, 2020

Attendees:
Bonnie Bastien
Kimberley Richardson
Anne Weaver

Walk and Talk officers: David Pilgrim, Tim Stephenson, and Michelle Lawlor. Sgt Casey Hatchett, BPD W&T supervisor.

Members of the public attended the interview but did not participate in the interview, as it was not a public hearing.

[**TRANSCRIPTION NOTE**: This transcript is not word-for-word verbatim; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.]

Q: *How would you describe your job?*
Officer Stephenson (TS): A position where we are working within the BHA community. to get familiar with the people who live in the BHA properties, we are there so they can get familiar with us and we can get familiar with them. If it's not on a first name basis, then at least it's by sight. they can recognize us and feel that police are more approachable, just not in car.
Officer Pilgrim (DP): I second what TS just said. Our job is easier the more familiar we are with people.
Officer Lawlor (ML): The W&T program is so valuable to the community; to bring connection to people who may not understand or fear bad things about the police, to make connections with the community.

Q: *What are your stated goals?*
TS: Our biggest goal is to get to know the families who live in the BHA community, to be a resource for them when needed and to break down the barriers that people typically talk about between people who live in socio-economic households, POC, so it's not an "us against them" ideology going on. So we are one cohesive unit working together.
DP: On top of that, our other goal is to provide police services. If someone has a package theft, or some other crime, they could report it during a day shift or they could wait until we are working, that's one of our goals, to service the cause.
ML: Being there for these kids who might have had a bad experience with a police officer and are in a bad position. Breaking down these barriers so they trust us, whereas they might not trust police. So that's what we do.

Q: *Do you think you are achieving these goals*?
TS: Most definitely. People have our cell phone numbers, we get calls. I can get calls all hours of the day from people who are just wanting to talk, get some advice, where to go to for help. If we can't help them, we put them in touch with people who can help them, we do what we can.
DP: Most definitely, I am the newest W&T officer and my phone rings at 2 am. I think making people comfortable with us is our goal.
ML: We get phone calls at all hours of the night – we get kids in the middle of night form kids who aren't in a safe space and need a ride home. We are that bridge that people connect to, they trust us. It's appreciated.

Q: *How do you measure these achievements? Your helpfulness? Aside from anecdotally, how do you evaluate this?*
TS: You mean quantitatively? I don't consider it anecdotal. These are experiences that I have had, over many years, 17 years. These people feel comfortable enough to call us. They don't shy away from us when we walk by. I have never heard anyone say "Hey cop, keep going."
DP: The evidence is that they keep calling. They wouldn't continue to call if they didn't find us useful. Not everyone in every community will find it useful to be with police. If we can make an impact on a few people, it's better than leaving them to be abandoned.
ML: It's not a numbers game. It's more that people are calling us instead of 911. We are building bridges with these kids, these kids can trust us. They look beyond a uniform that may intimidate people. It's not like a number that we can give you…

Q: *How does the W&T program differ from other police units in Brookline?*
TS: About us being assigned to a specific area – the whole town is separated into sectors, not just us. The town is divided into 9 separate sectors. We are called the W&T unit, but the other sectors have patrol units.
DP: We have more flexibility than officers in other sectors. We have more time because we are the only ones who do that. Because our segment of population is a little bit smaller, we don't have the hustle and bustle that other officers do. For us, we have the time and ability to build the relationships.
ML: The program itself does so much more than regular patrol duties. We do camps, we bring pies. I set up a basketball program at the Teen Center for the past 5 years. That's something that patrol division doesn't do.

Q: *What is your job like on a normal day? What would be an unusual day?*
TS: There aren't any usual days. You never know what is going to happen. It could be a day when nothing is going on, it could be a day when a lot of people are outside, things are busy, we are talking to lots of people. We could get a call from an elderly person who is worried they were a victim of hacking on their computer. So we may spend 45 minutes with them to ease their mind, that they didn't lose their savings account. We may help someone fix their wheelchair, or walker.

Q: *Where are you located on your shift?*
TS: We cruise around the developments, we walk around, we go on bicycles sometimes.

Q: *How many families/residents would you say you interact with daily basis? Weekly? Monthly?*
TS: That's a number I don't keep track of. We could talk to 20 people a day or we could talk to no one. Again, it depends on the day. If it's a really cold day, or pouring rain, we might not see anyone outside and we might not interact with anyone on a face-to-face basis unless we get a call from someone.

Q: *Do you go in the buildings?*
DP: Only if we get a call. We don't patrol the hallways, if that's what you mean.
ML: Also in the winter, you can find us at any HS basketball game because we love going and cheering those guys on. We also go to the elementary schools and show our presence there, and be a support system for those guys, as well.

Q: *How many BHA crimes are reported? Weekly? Monthly?*
TS: Again, I think that's a number we aren't going to have, maybe that's something Chief O'Leary could tell you? It's not a number we can pull out of a hat and give to you. Sometimes we get 2 reports a week, other times we may get 10 reports a week (of crimes). A missing package, a bike theft, a domestic violence call. What I can say, but don't take this verbatim, historically crime rates in BHA communities are less than the neighborhoods around them. A big part of that is because we are visible, people do see us and that we provide a benefit to the residents at the BHA community.

Q: *The BHA pays the police department $15,000 annually. Where does that money go? What does it pay for - specifically?*
DP: That's an administrative question, we wouldn't know. If there is funding involved it's above our level.
Casey Hatchett: It's my understanding that it's a grant, BHA is not paying us, they give us a grant and it's been there since the inception of the program. It has supported programs with youth, used to purchase masks during COVID. It's been used in the YPI program. To supports programs like that or events, for example, a Halloween celebration.

Q: *On the BPD W&T web page, it says "these officers are highly visible to the residents." What do you think it's like to have officers be "highly visible to residents" as is stated in the program description on your website?*
DP: I think it depends, like I said earlier. A lot of people are really happy to see us. And some people don't want to see us. I don't think we are injecting us into people's lives. That's not what we are doing, that's their choice.

Q: *On the BPD W&T web page, it says* "*We find they are more apt to speak with the Walk & Talk officers, let them know of potentially developing problems and report crimes." What's an example of a crime reported specifically to the Walk & Talk Officers on onsite*?
ML: I have multiple examples, there was a stabbing last year. They called a W&T officer and told us exactly what happened. That's an example of the trust that we build.

DP: I have had people tell me about a disagreement with a child, or a significant other. Or a package theft. I think that happens a lot.

Q: *On the BPD W&T web page, it says "These officers spend a large amount of time interacting with juveniles throughout the town" Why would officers feel this is necessary at BHA? Why don't they interact with my [Bonnie's] daughter in this way?*
TS: Like I said, it's necessary in all of Brookline. Not just at BHA. Like Michelle said, we interact with kids at the HS, at the elementary schools, and other places. And what's wrong with police officers interacting with kids? We are one cohesive community working for the benefit of all.
DP: I think the BPD tries to connect with youths across the town. We aren't in the patrol division, we are in the community service division. But this doesn't mean that other officers aren't also interacting with kids in other ways, like SROs at the schools, for example. When I was growing up, I didn't have police officers who looked like me. I didn't have that role model. For me personally I do it because that's why I became a police officer. I think it's important to have role models who look like you. Who impart a strong sense of honorability. I think that is very important for our kids.
Our sector is BHA. So, we in the community service division can take that time. But it's not just BHA. It's also the high school, the community events we run, the Teen Center.

Q: *Police officers are handling an enormously broad set of needs in the community. Why are armed police officers the ones that need to be doing this work? Why are all of these responsibilities happening in the police dept?*
TS: Because no one else is doing it. We around 24/7, we don't shut down at 5:00 pm like social services do. Or shut down at 3:00 pm like schools do.
DP: It takes a village, we aren't saying that we are the only ones to do it. We welcome others to do it with us.
ML: Also, sometimes we get into situations where we are trained to be in those situations that others, such as social workers, aren't trained to deal with. Like domestic violence situations. Or mental health situations, or we are dealing with a kid who isn't getting along with their parents. And social workers aren't trained to deal with those situations.
TS: Also, we aren't doing this all on our own. We work with the Brookline MH Center and the schools. We work with other community organizations, it isn't just us.

Q: *How would you define "public safety?"*
DP: It's multi-faceted. It starts in the schools, I guess from the police side, public safety is making sure people feel comfortable walking around any time anywhere. We just want people to feel safe. I don't see public safety as different in BHA than in any other part of the Brookline community.
TS: I think it's hard to define. I serve the whole community. I don't really know how to put a definition on that. I think people feel comfortable when they see officers driving down the road, walking on the street. People don't look at us as bad or evil. I'm not saying that all cops are good, there are bad people in every profession.
ML: I think we can provide services to juveniles and elderly in BHA that other officers aren't able to do in their sectors.

Q: *What about the people in BHA who don't feel comfortable with the W&T officers? Who feel surveilled, who feel they are being watched? We have heard from some BHA residents who feel that way. Who feel that they are being watched because they are the "poor people in town."*
DP: No one is being surveilled in that manner, ever. That is not what our job is. The reason we are there is to be that bridge to help people away, to divert them away from the criminal justice system.
TS: In the 17 or 18 years that I have been part of the program, I think the program has evolved. I don't think we are out there over-policing, I think we are helping to bridge gaps, to form relationships. 99% of the time we are keeping relationships going, with children, with the elderly people. I feel very strongly about this, we are out there to help people. For people who do feel uncomfortable, come talk to us. We don't want you to feel uncomfortable. I am part of this community and am proud of my work.

[End of interview]

Walk & Talk Interview transcript with Matthew Baronas: Jan 19, 2021

Attendees:
Bonnie Bastien
Kimberley Richardson
Anne Weaver

Interviewee: Matthew Baronas, BHA director of property management. Mr. Baronas is retiring in May 2021. They are hiring his replacement, a search is happening now.

Members of the public attended the interview but did not participate in the interview, as it was not a public hearing.

[**TRANSCRIPTION NOTE**: This transcript is not word-for-word verbatim; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.

Q: Were you a BHA employee when the Walk & Talk program began?
Yes – I have been in my current position since 1988 and I was involved at the beginning of the program.

Q: If so, were you involved with the program at its start?
Yes. Chief O'Leary was the Chief at that time and he was very interested in community policing; de-escalating initiatives. We made good connections with our residents especially youth and became a resource for conflicts between neighbors, kids having difficulties with their families. Worked with our social service partners, Brookline Community MH Center in particular.

Mediating problems and looking for alternative solutions. My estimation was that it was a popular program, continues to be, but especially in the beginning with our residents.

Q: What has been your role with the program?
I don't have an official role but I have a strong relationship. As the director of property management, I supervise 4 property managers. So as a program director, I probably have the strongest relationship with the officers in the program -- although my property mgrs. prob have a stronger relationship than I do.
We review issues that are going on with our residents on a daily basis and on a periodic basis. Every other week we meet with our attorney to discuss cases where we are in some stage of eviction action – we rarely evict tenants but we do need to address lease violations from not paying rent to harassment of neighbors, criminal activity, health and safety issues failure to report income.
We might reach out to one of the W&T officers to ask for their help in intervening, or they might be aware of a situation where they want to talk to us – concerns that residents have, as well. Issues such as reasonable accommodation, or to help them with an issue that the family is struggling with.

Q: Who is currently in charge of the direction of the program?
The BPD

Q: Are you aware of how the W&T program started? The reason for starting the program, who initiated the program (BHA? BPD?), and why?
Community policing was seen as a progressive part of policing. Chief O'Leary is a real student of community policing tactics – the program was something they presented to us. No single event that led to this program.

Q: *Was it based on another program somewhere else -- in another town or city? Who designed the program*?
Not that I know of, I think it was a program designed by the BPD.

Q: What is your understanding of the goals of the Walk & Talk program -- both broadly and specifically?
Specifically, BPD noticed that there were people that were repeatedly getting involved in the criminal justice (CJ) system and were struggling to see what they could do as a community to divert people from getting arrested and tracked into the CJ system. [To have] three police officers that are dedicated to our residents and a part of the social service fabric in the community with the goal of preventing people in the direction…
The W&T officers have always been involved in youth mentoring programs, sports programs. But they are also experts in, got a lot of contacts…
It's not just youth but also the council on aging, the teen center, the Brookline MH center….
They (BPD) have similar goals to the BHA in that we want to provide our residents that are available to help our residents thrive, to overcome the disadvantages that they have…

Q: Do you recall how the payment of $15,000 was agreed upon? ($28,659 - with inflation) Was it a grant? A direct payment from the operating budget as it is now?

In the early days of the program some of the compensation was derived from the budget overtime, toward the ends of the BPD fiscal years, they would run out of the money and have to pull officers back into different duties. It would be noticed by our residents who would ask where the officers went. So the exec director Brian Cloonan (he retired about 10 years ago) – reached out to the BPD and asked if BHA could help out. This money was not a grant, it was part of the BHA budget.

Q: There doesn't seem to be a contract between the BPD and the BHA. Are you aware of a contract or an MOU?

No, not that I am aware of

Q: In the early days of the program in the 90's, what did the Walk & Talk program look like? How has it changed through the decades?

In the early 90s there were 2 officers, they had summer basketball leagues, weight training with youths. They were building the networking throughout town, working closely with our property mgrs. It was pretty balanced between us reaching out to them and them reaching out to us with issues and concerns. We were building those relationships.

Today I see a group of more diverse – more women, POC – serving as W&T officers. I see they have better training – along with most of the police officers – in community intervention and mediation. They are ready to jump right in to defuse situations.

They offer us some options that can be really helpful in resolving conflicts that we have that could lead to legal action. More formal mentoring relations that they have with our youth; stronger connections with our seniors and people with disabilities.

Q: Follow-up: What kind of programming happens in the Senior buildings?

Not as much formal programming, but they (BPD) are always willing to help with internet scamming, workshops on empowerment, less feeling of vulnerability. But I think more day to day helping to deal with people who are struggling with isolation, MH issues, etc.

Q: Has anyone ever asked the residents how they feel?

I don't think, no, I mean we haven't. When we have done "needs surveys,' I don't think there has been that focus. Springwell, for example, who we partner with for elderly population needs, does evals of seniors of their experiences with Springwell programming.

Brookline MH Center, I believe they have done surveying with us in the past, I think W&T program has been a part of those surveys.

Our social service programming has grown, esp. in the last ten years or so…

Q: What are the commonly stated complaints about the W&T program, if any?

I expect that I would hear of complaints – I can't recall any complaints about W&T officers. I am being totally honest with you, there have been complaints about police intervention over the years, not often but occasionally, but I don't recall complaints about W&T officers.

Q: Police officers are not social service officers, right? So, in the beginning of the program in the 1990s, when the BPD came to BHA with the idea of this program – to put police officers in the properties, was the thinking that this was a social service program?

That's a good question, a good observation, there is probably some truth to that. I can't speak for the BPD but it was partly to build a more positive relationship between police officer and our residents. I think that was a major part of the thinking, to create positive relationships, trust, but I think the program has evolved considerably and I think, in my experience, I look at the W&T officers similarly to what occurs with our other social service partners. Let's really put our heads together and what can we offer in these difficult situations, before they become problematic. I think some of it, is our tenants are reaching out to the BPD repeatedly, complaining about a neighbor. Often we are also aware of those problems and the W&T officers are helpful.

Q: Follow-up: If there are complaints by residents would they be recorded somewhere?
We keep tenant files for 7 years or so.

Q: Is the program necessary to keep going?
I think it is a really positive resource for our residents.

Q: Brookline residents don't have these programs, why do BHA residents need this resource?
[BHA residents] are low income, which creates additional stress, they struggle with child-care issues and other issues. There are barriers and hurdles and issues that many of our residents to a greater degree, exacerbated by financial issues, have…

Q: People who rent in Brookline, it's so expensive, some of those people struggle living paycheck to paycheck but they don't have police officers working with them. Also, BHA gives $15,000 to police people in housing…
We spend hundreds of thousands of dollars on social services – mental health services, aging services. I can't speak for the BPD but as a person who has spent my entire career working in affordable housing see this program as a uniquely positive and beneficial program for our residents in many ways….It's been my job to get as many beneficial services for residents to thrive … I know that there are other needs in Brookline, we have a limited resource, we can't help everyone in Brookline who needs affordable housing, and my focus is on providing them with any service that might be helpful to them to thrive and prosper. It takes a lot of people coming from different directions to help each other.

Q: When BHA is thinking about what services residents need, do you talk to residents about what services they want to see? What about if residents tell you they feel uncomfortable by the W&T program?
We wouldn't be an effective housing authority if we didn't value the opinions of our residents.

Q: If you are really concerned about BHA residents' opinions, please ask Danielle Mendola to send out a W&T survey to see if people do feel safe.

I thought there was a survey already sent out about this?

[End of interview]

Telephone interview with Michael Alperin, BHA Executive Director: 12/16/20

Personal views:

- Has heard residents express their concerns that the W&T officers are only focused on BHA housing and that feels like surveillance. They feel like no other neighborhood has that kind of presence and it seems like the policing of Black/Brown/poor people
- Feels inexperienced in experiencing and understanding W&T because he's only been there for 5 months and during a pandemic - hasn't been on the ground
- Can't provide a real perspective here

History of W&T - Is personally unaware of any contracts or agreements between the BHA and the BPD

- Matt Barones (staff) has been there for 30 years and has the knowledge of the program and its evolution - we can bring him in to speak to this if necessary.
    - He is retiring in May

$15,000 between BHA and BPD - Sgt. Hatchett referred to this as a grant

- Mel Kleckner is currently researching this annual payment
- This may have been a grant at some point
- Right now it is a check cut directly from the BHA's operating budget and sent to the BPD for their line item.
- This payment, if stopped, could be spent on other housing needs
- Sgt. Hatchett - made it clear that it is an important gesture to the BPD for their services
- AC has made it clear that they find it inappropriate

Recently there have been a lot of break-ins (people picking locks) - the nature of these issues could be many things - not necessarily characterizing them as a crime ring. But he has a lot of concern for domestic violence survivors housed at BHA (they are a priority at BHA).

- Alperin stated that this is not an argument for or against W&T - only a recognition of the necessity to make sure residents feel safe, particularly domestic violence survivors, in one way or another (cameras as deterrents?).

Surveillance:

- Only the ED (Alperin) can view the surveillance cameras unless he gives written authorization, which has happened a few times in the past 5 months he's been on the job
- The policies on surveillance were recently provided to the Town's surveillance committee

[End of interview]

BHA Resident Interviews

BHA Resident 1
Phone Conversation - 1/24/21
Black femme

Perspectives on W&T:

Q. How do you feel about the police being present in the BHA community?

A*:* How much more intimidating would the police be if they weren't building relationships with BHA residents?

Q. What kind of services do you receive from the W&T program?

A. They make turkey dinners for Thanksgiving. That is really generous.

Q. Should police be the ones to provide these extra services (Thanksgiving meals, pumpkin painting, other programming) and social services?

A. We already have access to social services. There are 1-800 numbers to call.

Other statements/issues surfaced:

Interviewee stated that BHA has policies that require police to report instances of DV or other crimes they are called to to BHA (**note* the BHA says this policy does not exist as described)*. This creates a danger of the resident being evicted. There is a zero-tolerance policy around these issues. This results in residents not reporting when they are a victim of violence/crime.

Interviewee stated that if Walk & Talk officers were removed, BHA would hire a private security company that would be worse than the W&T program. It would be more expensive and it would make living in the BHA even worse than it already is.

Interviewee gave examples of the bad state that her apartment is in and that they would never invite anyone to their house because it's that bad.

[End of interview]

BHA Resident 2
Telephone interview on Jan. 24, 2021

[Note**:** The person interviewed stated they were unsure if the police were W&T officers or regular police officers.]

"In 2013 I was just moving into my apartment located in the High Street location of BHA. My brother and boyfriend were moving things in and out of the U-Haul. I saw the police watching us for about 10-15 minutes. They soon approached my brother and my boyfriend and began to question them. I immediately ran downstairs to see what was going on. The police stated that someone had called them to make a complaint about us moving in. They stated, "no one was aware that you were moving in".
My brother and boyfriend were very upset with the police and refused to answer their questions. I was new to this community and did not want to make any waves, so I reluctantly answered all their questions. I knew they were lying to me about the complaint, but I also did not want issues or drama, so I let them question me.
After they left my brother and boyfriend told me I should have gotten their badge numbers to make a complaint."

[End of interview]

BHA Resident 3
Telephone interview on Feb. 1, 2021.

"As a new resident in Brookline and to BHA I felt the presence of the police immediately. I did not know anything about a Walk and Talk Officer. I just knew that I saw the police quite often and right away I felt like I was being surveilled. When I would venture out to other areas of Brookline I did not see a police presence the way I saw at BHA and this made me uncomfortable.
My son felt this surveillance early on and was followed home. He once stated to me "anytime something happens in Brookline, they always call me".
I have had to call the W&T officers when my family was experiencing an emergency, but I would have preferred not to. Do other parents have this experience in Brookline or do they just call 911 when something happens?
To be clear, this does not feel like special treatment or social support to BHA residents, this feels like policing at its Best!!!"

[End of interview]

Brookline Resident Interviews

Brookline Resident 1:
Public FB posts from Christina Kovach (fromer BHA resident) on the Brookline Townwide Discussion page
12/11-12/12/20.

Consent for use of name in these records?: Yes (via FB direct messaging with C.Kovach)

"I grew up in Brookline housing. While I do think that the voices of the people who are targeted by this program (or any program) should be heard, I don't think it takes someone with experience in housing to see how this program is deeply, deeply problematic. But as a BHA resident myself, yes, it was very invasive and uncomfortable to have a known police presence in my neighborhood. I asked about the mission statement because I was curious where and why this program came from in the first place. I have serious doubts it was based on actual data."

Response to a FB group member's comment by CK: "Yes, there are specific issues. Bonnie mentioned them above. Also, there is a difference between assessing "interactions" with officers and assessing a program. I personally think the program is problematic because it doesn't seem to have been based on data.
It was harmful to me personally because of the way it made me feel as I moved about my neighborhood growing up and through adolescence. Try to imagine walking into CVS, and having an officer with a gun follow you around. He doesn't bother you, he doesn't really even interact with you. But he is there to make sure you don't steal. He's got his eye on you even though you know you're not a criminal, you know you aren't doing anything wrong, but there he is, just watching. Watching YOU specifically because you are poor, literally. It felt yucky and constant.
And now as an adult, as an attorney, as a mother, and as someone who now lives in a bougie ass Brookline neighborhood, in hindsight, I can unequivocally say that that type of oversight and surveillance of me (and my brothers) as we grew up, was not helpful, it was harmful in a lot of measurable and impactful ways. That type of police presence and stigmatization was formative and has had lasting effects on my positionality and the way I have pursued many aspects of my life—anywhere from career choices to friendships. I grew up being watched by law enforcement, specifically because I was poor. That's a problem."

Bonnie Bastien: "I hate that this happened to you."

CK: "Bonnie Bastien To all of us! It was a big neighborhood with a ton of kids and teens. No one even questioned it. And it wasn't outwardly hostile or traumatic. But it was formative and impactful, truly. I didn't let my daughter play outside because I didn't want her to be "flagged" and "known" as one of The Neighborhood Kids."

[End of Facebook discussion]

Brookline Resident 2
Telephone interview on Jan. 26, 2021.
Black femme

Q: Why were you compelled to reach out to us about the survey?

- Watches Townwide page on FB
- Expected Brookline to be a more understanding community about minority experiences. However, what is posted on the FB page doesn't always reflect that shared understanding/experience.
- Sees lots of great activism and meaningful work as well.
- Lots of people need to hear individual experiences in order to relate to it. You can read all the newspaper articles you want, but until someone shares their experiences and perspective - it's easy to block out.

Personal stories: (all within the last year and a half):

1. Brookline officer monitoring construction site. Crosswalk blocked off and an officer was standing where people would normally cross. Her anxiety was enough to motivate her to walk entirely around the block rather than do what most people did, which was J-walk in front of the officer.
    - Fear and anxiety about interacting with the police officer
    - This was in contrast to her white partner who didn't hesitate with the officer
    - She has never had a good interaction with police
2. Older Black man was stopped in his car on the corner across from Trader Joe's in Brookline. He was being accused of stealing from a store.
    - She stopped to be present and watch as a bystander, even though she felt that as a Black person she may not be as helpful as a white person in this situation.
    - Quickly the officers called more and more officers to help with this man (the man in the car looked to be around 60, not doing anything "disrespectful" - didn't seem to be a threat in any way)
    - 6 officers standing around this man accusing him of theft
    - Quickly became harassment - "how could it be anything other than intimidation to surround this one man (a minority) with that many officers and question him"
    - There are protocols in place for this scenario that the officers did not do (ask a few questions and ask him to come voluntarily to the station).
    - Because they hadn't done any of those things, it became clear that they didn't have proof that this man committed a crime and were really just being intimidating and hoping to catch him in the act of something else.
3. May or June - heard car horns outside her apartment. Saw 4 police cars, several residents outside, an EMT truck, and a Black man and a Black woman (lots of blood on her face) in a car being questioned by police.
    - Stood by again to act as a witness
    - Other people assumed the situation might be a domestic violence (DV) incident that caused an accident - woman covered in blood, man not bloody but very upset

- She feared for the man, but thought DV was unlikely because police let the couple stand close to each other - police took statement, woman got in EMT truck
- She stayed to remind the man that he can remain silent if he does get arrested
- 5 police cars
- Everyone left the man alone (EMT took woman) and he found that he was locked out of his car
- Turns out man/woman got in accident and she hit her head (not dv)
- Police left without assisting him - He was now locked out of car - no one waited to see if he was ok, offered no medical assistance, no one made sure he could drive or that his car was safe to drive.
- Demonstrated why we need other services. Better trained people wouldn't have left him there after that traumatizing situation. Others services would have been beneficial.
- Her takeaway
    - While this was not an egregious offense, if police are truly community servants, why didn't they offer to drive him home or stay around to make sure he drove off safely, etc.?
    - Shows how pointless some police services are.

Q: Do you have a vision of what you think public safety should be? Do you see that reflected in the choices the Town is making?

- She thinks about "Circle Justice" a lot, which is an alternative to child services
    - It's a community- based group of people whose first interest is the community, not their bonus or quotas or the gov't (this can really depend on your community - can be challenging)
    - The person affected picks the people in the circle so its a safe space
    - People are brought together in this way from the community to act as moderator, emotional support person, etc.
    - This is what social workers are for - to assist people when other resources fail - provide council and
    - Also many social workers feel more similar to police than this vision

- What's needed is a sort of bookkeeper of resources that can provide the emotional support needed before a person is connected to those resources.
- There's a lot of mending - we need to tear down the system and start from scratch. It will never be functional until there is a lot of healing in the community.

<u>Personal Story</u>:
** "I will never be able to have a good relationship with police officers because the relationship and the history is too deep already" **

** “Growing up, my peers and I were so used to going to the police station to introduce ourselves to the police officers in our communities so that they would know who we were so we wouldn’t need to interact with them spontaneously in situations. There was constantly this idea that you have to get to know them before they can decide who you are in a moment. I’ve lived in MA for 8 years and every community that I live in I go introduce myself.”

- I’d call my friend who is a firefighter before I called the police.
- COVID 9pm curfew - She works until 9pm daily and wasn’t getting enough exercise. She was afraid of walking on her own on the street after curfew and getting in trouble or accused of doing something criminal or inappropriate
- She strictly adheres to COVID restrictions more than others because if there were anyone who would get in trouble, it would be her more than others.
- “There’s so much Black and Brown people do in communities to make themselves feel safe and then they are constantly surrounded by stimulus that tells them that they are not safe no matter what they do”
- “Even if an officer was working in a positive way in partnership with the housing authority and providing social services, I would not be comfortable using that service. I don’t think I could not trust it. I would not sign-up or use those resources.”

Q: Do you see the way you think about public safety reflected in the public safety choices and solutions available to you?

- Yes and no - I disagree with what people are proposing relating to reforming the system rather than rethinking the system.

    - In Brookline we are appropriately policed. Not like Forest Hills or Dorchester
    - People here are more involved and community oriented
    - We are appropriately policed
    - Comes from the demographic of Brookline - only knows 1 other Black person here.
    - Brookline is out of touch with what a typical experience with police is

Q: To what degree would you say you have a voice in creating or informing the Town’s current public safety strategies?

- I think there is a lot of opportunity - I feel like I could but I’m fearful of the reaction of the community
- Option is there and space is given for people that look like me to get involved, but it’s not set up in a way that makes it comfortable for me to seak up with an opinion.
- “I don’t put my BLM sign in my window because it feels too dangerous - because of things that are written and comments that are made (FB Townwide) I am not putting that on my window.”

** “Ironic that the public library is across the street from the police station - library should be a place of exploration and safety - If I were a Black teenager in Brookline, I would not be hanging outside by the library - feels like too much of an opportunity to get into trouble.” **

Q: Do the Town’s current public safety initiatives draw on information and expertise from community voices and community leaders that are important to you?
If no, who are those community voices and leaders? What insight and expertise do you think the Town is missing out on?

- The community I would like to hear from doesn’t live in Brookline. There are very few voices of color

Q: Do you perceive any barriers to participation in conversations about policing and public safety?

- “Yes, there’s a danger in openly stating my opinion”

Q: Do you have recommendations for ways the Town can continue to collect data about policing and public safety?

- Issues with our survey
  - Similar to why people don’t fill out the census
  - Packaging - she would of thrown it away
  - If she were an immigrant or more barriers I wouldn’t of filled it out - looks like the government - doesn’t look like it’s coming from people who want to support her
- How to improve the survey
  - Be in the community setting up shop
  - Have people in housing getting their neighbors to fill it out
  - Get the survey in businesses by the door
  - Needs to feel safer to fill out.

Q: Are there Town-community collaborations for public safety (with or without police) that you are aware of?

- no

- *Q: If no, are there collaborations that you think should be started?*
  - It all falls on the training - Collaboration should have a Black/Brown organization that does trainings for these services
    - Levels of trainings - mental health
    - Interactions with Black/brown people
    - How to approach people
- *Q: If no, are there collaborations that used to exist that you think should be resumed?*
    - n/a

Q: Thinking about the places where you think change needs to happen, what pieces would need to be in place for you to believe that the town was serious about making those changes?

- Putting their money where their mouth is - not just for show
- Need to see buy-in from people she respects - professors, professionals (mental health, community leaders outside of systems of oppression)
- Police budget is astronomical for how little they need to do in Brookline
- Some of that money put into community efforts

Q: What else don't we know about how you experience policing and public safety that we should know?

- As we do this work, we need to keep in mind the history. That's the first step in correcting the history
- Acknowledgement of the Black/Brown folks in the community. Without reconciliation with acknowledgement of harm - I don't know how we can move forward.
- If the Town and the BPD acknowledged even once that the history of policing has been detrimental. Because that hasn't happened there is so much left to do to create a new system or create a new one.

[End of interview]

Appendix O: Police Reform Committee Survey on Walk & Talk Program

Reform Committee Survey of the BHA/BPD Walk and Talk Program

Are you familiar with the officers from the Brookline Police Department's "Walk and Talk" Unit? (Officer Tim Stephenson, Officer Michelle Lawlor, Officer David Pilgrim & Officer Kristen Healy)

o Yes o No

How often do you see "Walk and Talk" officers in the BHA community?

o Very rarely/never o A few times per year o 1-3 times per month
o About once per week o More than once per week o Do not know

How often have you personally interacted with "Walk and Talk" officers (Tim, Michelle, David, Kristin)?

o Very rarely/never o A few times per year o 1-3 times per month
o About once per week o More than once per week o Do not know

Thinking about your last interaction with a "Walk and Talk" officer, which of the following best describes what the officer did? Please leave blank if not applicable.

o Officer took a crime report o Officer assisted in non-criminal issue (e.g. family/neighbor issue)
o Officer made an investigatory stop o Officer provided information
o Social interaction o Officer made an arrest

Thinking about your last interaction with a "Walk and Talk" officer, which of the following best describes how you feel about the officer's professionalism? Please leave blank if not applicable.

o Very dissatisfied o Dissatisfied o Neutral o Satisfied

For the next set of questions, please consider your experiences with "Walk and Talk" officers.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
"Walk and Talk" officers and residents have a good relationship.					
I feel uncomfortable around "Walk and Talk" officers.					
The "Walk and Talk" program makes the BHA community safer.					
I want the "Walk and Talk" program to continue in Brookline Housing Authority.					

Thinking about the “Walk and Talk” program, what changes (if any) would you like to see?

	Decreased	Increased	Kept about the same
The number of "Walk and Talk" officers assigned to work with the BHA community.			
The presence of "Walk and Talk" officers at community events for seniors.			
The presence of "Walk and Talk" officers at community events for families.			
The presence of "Walk and Talk" officers at community events for youth.			

Is there anything else you would like to share about your thoughts on the "Walk and Talk" program?

_____
_____

How do you describe your gender?

o Woman o Man

o Non-binary or non-conforming o Prefer to self-describe
_____

How old are you?

o 17 years or younger o 18-35 years old o 36-50 years old
o 51-64 years old o 65+

How long have you lived in BHA properties?
o Less than 1 year o 1 to 5 years o 5 to 10 years
o 10 to 20 years o 20+ years

How would you describe your race? Please select ALL that apply.
o Black/African American o Hispanic/Latinx o Asian/Asian American
o Native American/Alaskan o Middle Eastern/North African o White/European American
o Other _____

OPTIONAL: Would you like to be contacted to further discuss anything asked in this survey or otherwise related to the "Walk and Talk program?" If so, please leave your information below.

For more information or to discuss this survey, please email: chaynes@brooklinema.gov

Community Perception of the Brookline Police Department Walk and Talk Program

Preliminary Report

Introduction

The Walk and Talk program is a community-oriented policing program of Brookline Police Department (BPD) officers in the Brookline Housing Authority (BHA) community in order to develop a relationship with the residents. A paper survey was developed by a subcommittee of the Select Board's Committee on Policing Reforms in consultation with BHA staff. The survey was available in English, Spanish, Chinese, and Russian and was disseminated by mail to all 808 BHA residents' addresses provided by BHA staff to assess public perceptions of the Walk and Talk program. Although 808 surveys were disseminated, 38 were returned to sender so the study population is 770, and with 70 responses gives a 9% response rate.

The survey collected both qualitative and quantitative data investigating perception of the program, perceptions of the officers participating in the program, and frequency and quality of interactions with the officers. The 70 responses were collected and input into a google form where analytics were performed.

Demographics

Brookline Housing Authority houses over 800 residents across 12 different residential complexes. With respect to race and ethnicity, 56% of residents identify as white, 25% identify as Black/African-American, 14% identify as Asian, and 15% identify as Latino/Hispanic. 66% of residents identify as female and 34% identify as male. In regard to age, 56% of BHA residents identify as 65+. Of the 70 responses received, approximately 2/3 were from women and approximately 1/3 were from men which is directly representative of the study population gender demographics. The majority of the responses were from residents over the age of 65 (n=41) and 51-64 years old (n=12). There was a wide range of responses in regard to how long the residents were living in BHA properties. Approximately 1/4 of responses were from each of the following ranges, 20+ years, 10-20 years, and 1-5 years (n=18, 18, 19 respectively). Half of the responses received were from residents who identified as White/European American (n=32) and about 1/4 identified as Asian/Asian American (n=14). There were six responses from residents who self-identified as Black/African American and six responses from residents who identified as Hispanic/Latinx.

Public Perception and Interactions with the Officers

A majority of the residents were familiar with the officers in the Walk and Talk unit of the BPD (n=36). Approximately 20% of the respondents had seen the officers at least once a month (n= 15) but the majority of respondents interacted with the officers a few times per year or less frequently (n=38). When asked about how often they personally interact with the officers, only a few residents said that they interact with them on a semi-frequent basis of at least once a month (n=6) whereas most residents had few, if any, interactions with the officers within the past year (n= 49). Most interactions residents had with the officers were either social, the officer provided information, or the officer had assisted in a non-criminal issue (n=12, n=6, n=14). Few were actually in relation to any sort of police-activity (n= 4).

75% of respondents felt satisfied or very satisfied with the professionalism of the officers (n=30). A majority of residents agree or strongly that the officers have a good relationship with the residents, feel the program makes BHA communities safer, and would like to see the program continue. Most residents do not feel uncomfortable by the presence of the officers in BHA housing. Across the board, the community would like to

see the presence of the Walk and Talk officers remain the same or increase at the events held within BHA residencies and would like to see an increase in the number of officers in the Walk and Talk program.

Qualitative data provided many nice sentiments about the officers, naming and thanking some of them individually. Some of those comments included "They are kind in times of crisis - nonjudgmental to my family" and "I think as a BHA resident ; the "Walk and Talk" program should stay because it's a great program specially for our kids. Officer Tim is a great person and the kids and us love him. All Officers are wonderful and so helpful for our community." There were a significant number of responses saying they were unfamiliar with the program and/or would like to learn more about it. There was much sentiment related to enjoying the program but wishing there were more interactions and community engagement with the officers, such as "The officers should engage more with members of the community directly and not simply "drive through" the BHA" and "I feel it's important for them to be just "hanging out" in a fun friendly manor at family and youth events, so that their presence in the community isn't feared or looked down upon".

Limitations

While the data received through this survey has been informative in regard to the Walk and Talk program, there are some limitations that could limit the scope and interpretation of the data. Since the majority of residents who responded to the survey were above the age of 65, this primarily captures the sentiments of the older BHA residents and might not accurately reflect the thoughts and experiences of the younger residents such as families and children. It was also predominantly answered by residents who self-identified as white, limiting the applicability to the more marginalized racial groups within BHA. There was also an "other" section on the "How would you describe your race?" question that allowed respondents free text answers in conjunction with the prepopulated responses. We received a variety of answers that were then difficult to include in the rest of the analytics as there was only one response from multiple free text answers. One of the largest limitations is that many of the respondents did not answer all of the questions. Since it was a paper survey, some people were unaware there was a back and subsequently did not respond to those questions.

Appendix P: Emailed Feedback on the Walk & Talk Subcommittee Draft Report

Email 1:

Ms. Fields,

I wanted to express my thoughts and feelings about the Walk &Talk Unit but was not comfortable speaking on the Zoom meeting. Could you please forward this to the W&T subcommittee of the Reimagining Task Force.

I'm curious on why there was no mention of how the Walk and Talk unit enables the average citizen to feel more comfortable reporting criminal behavior to a police officer, they know personally and are comfortable with. The absence of mentioning how Walk and Talk deters criminal behavior is worth a discussion. I'm also wondering if the people that are having the negative experiences with police are criminals? Does Walk and Talk make BHA residents feel safer? Does it have more of a positive effect than a negative one? Personally I feel that even if only one person is more likely to report a crime to an officer, they know and are comfortable with, it benefits the community. I would like more information on how Walk and Talk affects the community positively, it feels like an assumption that they are making BHA feel like a police state where people are being watched. Having a positive police presence allows people to see that the police are there to help. Unfortunately the world has bad people in it and an authority presents is needed . The Walk and Talk unit seems to be an example of good community policing.

Thank you for taking the time to read and consider my thoughts.

Respectfully,

Kristin Stephenson

Email 2:

Hi folks,

I was impressed by your report. I think it makes sense for social workers/ mental health professionals to respond to respond to calls involving people experiencing emotional distress or mental illness. This assumes the town budget can afford this worthy experiment and that in any given case we can know what the nature of the problem is—so that those who respond are in a position to safely intervene.

In the case of School Resource Officers, I am less certain. A program on WBUR today (between 1:30 and 2 pm.) illustrated the issue. Featured on this program—and sorry I can not recall the place…possibly a town in Oregon—was a young BLM activist who made it clear that he was exempting his town's police from his general critique. The tenor of his comments was that the police in his town were trusted and friendly, they were known because of a sense of connection between them and the community…that they were in fact experienced as part of the community. This notion that a connection between police and community can actually be reform idea in itself, can build trust, can help to professionalize and "civilize" (if I can use that word)—all this would seem to be advanced by having students be able to meet with and relate to police officers—and vice versa. As for social workers, there are already SWs and counselors in our schools.

My kids were in the Brookline schools 30 years ago, and I recall they liked their DARE officer and developed a good relationship with him. I'd like the think he felt the same way, and that the experience had a mutually positive impact.

Best,

Bill Schechter
76 Brook St.

Appendix Q: Walk & Talk Subcommittee Public Hearing on the Draft Report

Task Force to Reimagine Policing in Brookline
Walk and Talk subcommittee
Public Hearing notes
Feb 3 2021

[**NOTE**: This transcript is not word-for-word verbatim; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.]

Approximately 20-27 public attendees.

Public comments and Subcommittee members' responses are below:

Jenelle A, Brookline resident, BHA resident:
High St veteran. I really feel like a lot of our problem is actually a problem of BHA housing policies. It doesn't make that sense that if any other Brookline resident has a problem with police, the police don't report it to your landlord.

Other housing authorities across the country have a budget for security and they end up with armored vehicles while gangs run rampant. Can anyone imagine how much that would cost? I wouldn't want my tax money to go to that. [Talks about the $15,000 being a grant, which is apparently not correct.]

Can we remember that if it weren't for BHS policies we wouldn't feel policed in our homes. If the police came to our homes it would be our personal business like any other resident of Brookline. But because we live in the projects, it's your landlord's business. So if you are a victim of domestic violence (DV) you are going to hide it. Because you don't want to be homeless. If you get caught being a victim in this project you become homeless. To me that's the problem. BHA policy.

Matthew B, Asst Director of BHA:
The Violence Against Women Act prohibits eviction based on someone being a victim of DV. It offers a number of protections for victims of DV and we would never evict someone for being a victim of DV. I just want to clarify that, thank you.

Jenelle A, **Brookline resident, BHA resident:**
I'm annoyed because I know that to be a lie. That's why no one wants to raise their hands [here]. No one wants to be targeted by BHA. If I didn't need my kid to graduate in Brookline, I would move.

Things are broken, things aren't taken care of. You are like something they would scrape off their shoe. Black mold, asbestos, lead paint…. But let's replace doors that aren't even broken. I just don't get that.
If it wasn't for the W&T program, I wouldn't even want to live here. I am in my bathroom right now feeling like I am getting sick [from the apartment]. But my kids can go out at midnight and be safe. Even if they are Black.

Question in the Q&A:
How will you reconcile your report with Jenelle's lived experience?

Bonnie B, W&T subcommittee member:
As part of our research, we questioned both the BPD and BHA if there were specific policies on the books—either at the BPD or at the BHA, or both – of police being required to report incidents to the BHA. We were told that there were no policies like that on the books. That doesn't mean it might not happen; just that there is technically no policy that requires that to happen.

Anne G, Brookline resident:
Thank you for this report; I think it's really important what you are doing. Has there been any outreach to other neighborhoods outside of BHA to ask if they felt a need for programs such as W&T? That it might be beneficial?

Anne W, W&T subcommittee member:
We haven't reached out to neighborhoods outside of BHA for W&T specifically. But we have been, as a task force, reaching out to all residents of Brookline to find out what community supports and services might be useful for them. That we could potentially build.

Anne G, Brookline resident:
Yeah, I am just wondering if people might not be comfortable with a police program such as W&T being in their neighborhood. A lot of times if you see a police officer on the street, you might bristle and wonder with they are there. I am wondering about their emotional affect, how people might feel.

Anne W, W&T subcommittee member:
It's going to depend on who you are and what your experience has been, how you might respond to police officers offering those services. We are, as a task force, reaching out to all community members to hear about their thoughts and experiences.

Ryan B, Brookline resident:
What sort of new services do you see the town creating?

Bonnie B, W&T subcommittee member:
This needs to come from the community. Needs to be a community-led process. We don't want to prescribe what those services might be. Perhaps a 24/7 service that doesn't need to be a police officer. But we need to hear from the community on what they need.

Emy T, Brookline resident:
Thank you for the hard work on this. I want to validate some of Jenelle's comments about BHA and police reporting to one another, we need to address this lived experience, even if it isn't officially on the books. I want to thank her for her courage and willingness to share that today. I think she has a point about residents' discomfort of showing up here today. I think this should be acknowledged, and we shouldn't expect folks to show up in such a public space. In terms of the $15,000 that the BHA now gives to the BPD, wouldn't it be great if the residents of BHA could decide how that money is spent.

Jenelle A, Brookline resident, BHA resident:
I want to thank Emy. It's the absolute truth. So many people would benefit from knowing that, if they call the police, it wouldn't be contingent on their residency. If I have an argument with my 15 year-old and the police come, I shouldn't have to come down there for a meeting. Let's say I beat up my boyfriend; he can't even call the police on me because he knows if he does me and our kids will be homeless. I personally spent 3 days babysitting the kids of a lady who had her leg broken. And she was evicted within a month.
I've been here a decade; when do I get a fresh coat of paint? You wonder why people are depressed? They tell you that they think you have a mental disorder and that if you don't get help, you're out of here.

Dan Brossman [spelling?]:
If the subcommittee proposing immediate termination of W&T? Or gradual?

Bonnie B, W&T subcommittee member:
We are leaving that process up to the community and what they feel they need. We have found that police providing these services to residents; there are professionals who can do this work better. But we are leaving that transition up to community members; our subcommittee on community engagement lays that out in their report and their public hearing is later tonight.

Anne W, W&T subcommittee member:
I am adding our report recommendations in the chat and you will see that community process and input on how this may happen is part of our recommendations.

Sam T, former Brookline resident:
I want to reiterate appreciation for Jenelle. I want to hear from her and let her lived experience guide this session. Thank you.

Jenelle A, Brookline resident, BHA resident:
I am so humbled by what the person just said. I was just cut off and I am not sure why. There has been more than one time that the BPD has had interactions with me at that type of scale. I had another resident just disappear for three days. And the resident's father asked me what he should do. I told him to call the police. He asked them (BPD) if he could leave his child with Jenelle and they said, yes, we know her, that's ok. No problem. The police, in these scenarios, did what police are really designed to do – to serve and protect. They could have made a big report. In other places, DSS would have been involved, but because of our relationship with the police at BHA we were able to see the situation through without the family's stability being upset. You know? They [BPD] would still do everything they do even if W&T didn't exist. Because that's who they are. They understand. They get it. We are talking about a different police dept altogether. There are just so many parts of BHA that don't work. That's what we should be looking at; that's what needs to be fixed. No one's tenancy should be questioned because the police were called.
Our [school] resource officer in the high school is an unbelievably loving kind individual. You will not find better people surrounding our kids. The minority in Brookline is the *poor*. Not Black or white; it's poor or rich. *That's* the minority.

Bonnie B, W&T subcommittee member:
While we are waiting for the next public comment, I want to make it clear that our intention is never to make people feel less safe. Just to make everybody feel safe.

Deborah B, Brookline resident:
Is there some way that you can survey tenants who experience the W&T program? An anonymous survey tool, maybe break it down by age group?

Bonnie B, W&T subcommittee member:
There is a survey that went out, not by us but by the Police Reform Committee. Most of the respondents were elderly and white. The details are in our report. It's hard to say that enough responses were gathered in order to get a clear picture of what residents are feeling about the W&T program. Our way forward is likely through community organizing and one on one conversations to learn about community safety, the W&T program, and what people would like to have in the community.

Deborah B, Brookline resident:
I have another question. What percentage of people in Brookline have regular interactions with law enforcement? Some of these kids see them at school, some of them see them in their housing. What are the cumulative impacts from exposure from multiple sources in young people?

Anne W, W&T subcommittee member:

We don’t know at this point. It’s a complicated question, but at this point we don’t have it.

Bonnie B, W&T subcommittee member:
This was in our survey, sort of? In our Task Force survey that went out to 25,000 people.

Question in the Q&A:
“If people like the police, how can it be a negative experience?”

Kim R, W&T subcommittee member:
If one person has a negative experience with the police, then it’s a problem because that one person is a part of the community.

Bonnie B, W&T subcommittee member:
Thank you for coming and participating and listening. The work does not end here, please reach out.

Raul F, Task Force to Reimagine Policing Chair:
What you have heard here has put into sharp focus the challenges that the government of Brookline and of BHA has in really understanding what people’s experiences actually are. What I hear is that there is a lot of fear out there. Fear of losing their housing and mistrust. Those are the deeper issues that we need to address.
Policing programs like the W&T program are addressing the symptoms of problems. What we need to invest in is the root causes of these problems. This isn’t just about what we should or shouldn’t do with any one program, but instead putting our effort into community engagement to get to the root causes of these problems.

[End of transcript of W&T subcommittee public hearing]

Appendix R: Interview Notes

Key points from the stakeholder interviews:

The descriptions below are highlights only. If you are interested in more complete notes on these interviews, please see our past meeting minutes.

1. **10/29/2020: Interview with Annabel Lane, social worker with BPD (funded through the State Dept. of Mental Health) and Lt. Jennifer Paster, BPH**

Q: *What is missing from community services now and what is needed?*
A: Feels that Brookline has good crisis services. We need more medium-level services, before someone is in crisis, to do community outreach and engagement and ability to travel to the person. Services including housing assistance, food stamps, relationship building (people are too isolated). More readily available access to emergency financial funds -- e.g. grocery debit cards or gas cards.

Q: *Re CIT program. Are there "refresher" trainings following the 40-hour CIT training? Is there ongoing supervision re CIT model*?
A: No additional mandatory trainings. There are non-mandatory one-day trainings available to officers on topics such as dementia, family resource centers, etc. BPD officers are required to do 48 hours per year of trainings but those trainings are set by the Municipal Police Training Committee and include a range of topics outside CIT.
No direct supervision of the CIT model; there is supervision related to "family unit" issues (checking on kids who may be vulnerable, for example) but not specific to CIT training.

Q: *Tell us about collaborations with other local service models re MH and crisis calls?*
A: BEST team: Great resource but limited because they only respond to adults with Mass Health or no insurance. (Not true for kids in crisis -- they respond to any kid in crisis no matter what the health insurance.) Not alway the fastest crisis service; BEST team can take 40-60 minutes to arrive at the place of crisis. And, importantly, the person in crisis has to agree to be evaluated by a MH clinician in order for them to respond.
Brookline Center for Community MH: No formal relationship but a collaborative relationship. BPD can't formally refer to the Brookline Center but can recommend that people in crisis connect with the Center. BPD refers people to the Center's Safety Net program, which is emergency financial assistance for local residents in need.
Monthly meetings with local agencies, including the Brookline Center, Council on Aging, BPS.

Q: What type of follow-up is done with the Brookline community member after a crisis that CIT has been involved with?
A: BPD will refer cases to CIT when appropriate and Annabel as needed. BPD does not have a social worker specifically assigned to them and Annabel has other responsibilities, however, will go out on cases when BPD refers them.

2. **11/5/2020: Interview with Ian Lang, Executive Director, Megan Smith, Director of Community Services, and Heather Lykas, Chief Strategy Office, Brookline Center for Community Mental Health:**

Q: *What is missing from community services now and what is needed?*
A:

- More pre-crisis services in order to prevent situations where emergency services are needed.
- Peer support services:
- CAHOOTs type crisis team models:

Q: *How does the Brookline Center currently serve vulnerable community members and people in crisis?*
A: Runs the "Bright" program for kids returning to school after an extended mental health (or physical health) crisis.
Just starting a case management program. Have secured funding for two case managers who will work with community members who are already seeing a therapist at the Brookline Center for individual therapy. Case management services will include ADLs (activities of daily living) and connecting the person to community resources, such as unemployment, housing assistance, health insurance, food stamps, etc. Case management services aren't covered by health insurance so separate private funding for this program was needed. Also homelessness prevention program,

Q: *Tell us about collaborations with other local service models re MH and crisis calls?*
A: Collaborates with many town agencies and orgs including the BPD, BPS (has Brookline Center social workers embedded in the local schools), Housing Authority, Dept of Health.

<u>Relationship with the BPD CIT program</u>: Strong and productive relationship with police department. Meets on a regular basis with BPD to talk about high-risk individuals in the community. In certain crisis situations they will call the BPD in order to section someone, i.e transport the person to a hospital for a MH evaluation. Has partnered with the BPD on clothing drives, neighborhood events, etc. Megan Smith raises an occasional problem with negative police responses to people in crisis, usually related to race issues, Black or brown people in crisis being treated differently -- more aggressively -- than -- white people. Smith says she has witnessed three such interactions herself and has been told by residents about "many more." Says "This [MH crisis intervention] shouldn't be part of their [BPD] job. They're not always equipped to handle this." They don't have the training that Mental Health Clinicians have to handle complex issues.

Q: *What services and supports do you wish were in the community to better serve vulnerable people and people in crisis? What would you like to see included on our Task Force's recommendations list next February*?
A: The center would like to explore how it can get more out into the community, have mobile units, have teams of people getting out to engage the community and do outreach to avoid crises and be proactive. Have same day crisis support services. Is there a way to allocate resources to the center? Would also like to have a peer support program. Police should be utilized when appropriate, but would prefer less reliance on police. Barriers exist such as insurance, funding, hours availability, getting people in quicker.

Q. *What about people falling through the cracks? How do you avoid that*?
A: The center works closely with other social agencies, DPH, Steps to success, Housing etc.

3. **Interview with Tim Black, Director of Consulting, CAHOOTS program, Eugene Oregon. January 7, 2021**.

Introduction of Tim Black and CAHOOTS consulting model:

Tim Black working with CAHOOTS in 2010 as a crisis worker/first responder, has a background in street outreach. Transitioned into the role of Program Coordinator 5 years later. As of Summer 2020, he is now doing outreach/consultation to other communities interested in using this model.

CAHOOTS is currently working with Rochester NY and Portland OR to set up programs that will likely be up and running by Feb/March 2021. They have been working with Portland OR for about 2 years. Rochester's program is moving faster than Portland's, due to a nationally-reported Rochester police interaction with a person experiencing a mental health crisis last summer and who was killed at the scene.

CAHOOTS recently set up a crisis response program in Olympia Washington. They also helped start a clinician partnership called the Star Program in Denver, CO. CAHOOTS is now involved in conversations about crisis mobile services in Oakland, San Francisco, and Knoxville. They are also seeing interest in their model from Canada.

Q: Public education: How is the public informed about the CAHOOTS model and crisis intervention plan? What ways have worked best to communicate to the public about the program?

Leveraging local media is important, including free local newspapers. We try to be part of the conversations that happen in the media — when news happens, we hope to be included in those discussions.

Reaching out and having conversations with small neighborhood associations, grassroots groups, business orgs, school classes. Describing the service and how to access the service.

In addition to public education about the service, try to fold in some common de-escalation training techniques, so that people have another tool in their pockets—skill-building. So they learn how to use de-escalation tools without having to call CAHOOTS.

Manage public expectations as to what the outcome of a CAHOOTS intervention might be — that it might not solve everything in one go. Since there aren't always sufficient community-based services available to support someone post-intervention, this often leads to a person needing several CAHOOTS interventions before adequate post-intervention support is achieved.

Trainings and presentations are another outreach tool. Create emotional literacy – incl. suicide awareness, common MH symptoms and presentations, social media hygiene -- for young people. Every 8th and 10th grader in Eugene and Springfield Oregon gets a presentation from CAHOOTS in their health class.

The outcomes of doing these high school presentations are (1) a lot more teens and families are utilizing the CAHOOTS services; and (2) the public high schools have embedded the CAHOOTS teams (an EMT and a crisis worker) within their school systems. Every HS in the greater Eugene, Oregon community now has a CAHOOTS team embedded in the school.

Q: Provide us with a brief explanation of the CAHOOTS model.

White Bird Clinic is a federally-qualified health center, serving the county in Oregon where CAHOOTS originated. As White Bird Clinic grew, they began doing more and more community-based crisis work, as well as outpatient medical services. Started collaborating with LEO and the public safety system.

White Bird formed the CAHOOTS program in 1989. CAHOOTS team staffing models are comprised of an “EMT basic” and a “crisis worker.” Crisis workers generally have a minimum of undergraduate-level education.

CAHOOTS calls for service are facilitated through the local public safety dispatch system. So, if someone calls 911, or the non-emergency public safety line, they will press “1” for police, “2” for Fire/EMS, and “3” for CAHOOTS. By being directly tied into that public safety call system, the police no longer need to go to the initial welfare check; instead, CAHOOTS teams are the first responders for those calls.

If a dispatcher answers the call, the CAHOOTS program becomes another resource for them. When CAHOOTS enters into a service contract with a city or county, the service agreement includes an outline for the CAHOOTS scope of work – i.e. what types of calls that are most commonly referred to CAHOOTS teams. The dispatcher manual is then updated to include a section specifically on CAHOOTS services in order to help the dispatcher decide which calls/codes should be sent to CAHOOTS. Sometimes calls get misidentified, but the team that initially goes out on the call will then call the most appropriate team in.

Tim Black estimated that the CAHOOTS team receives 70-80 service calls per day in the Eugene Oregon metro area of approximately 200,000 people.

The CAHOOTS team calls for police backup “less than once” a day. These police backups are used for either increased escalation of physical aggression and/or involuntary holds (when someone is a threat to themselves or others). Black stated, “When/if we reach the situation when a voluntary interaction is not going to serve that person in the moment, then we need to ask for police intervention in order to get the person to a hospital to receive the care they clearly need/further evaluation.”

Because of how CAHOOTS is designed -- because the program responds to a wide swathe of these intervention calls -- the city/county pays a fraction of the cost that it would pay if police and/or the fire dept/EMS were sent out for these types of calls.

So, there is a strong return on investment to the city. CAHOOTS has been able to directly work with the Eugene city council on increases to the CAHOOTS budget whenever there’s been the need to expand services.

Q: How long does it take to have the CAHOOTS team respond to a call?

Response time varies according to the need and what else is happening in the community. CAHOOTS operates in the same way that a patrol officer would according to the priority of the need. If the team gets two calls at the same time, they will decide who gets the first intervention depending on the need. They triage the need.

Q: Does CAHOOTS operate risis phone lines?

White Bird Clinic has a crisis call line (separate from the CAHOOTS team). Sometimes people will call early on in the crisis so that a team doesn’t need to go out immediately.

Q: Does CAHOOTS intentionally hire people with lived experience? Peer support?

Yes, it’s a priority for us, although it isn’t an explicit part of our recruitment. We have many staff who have lived experience and that experience is valuable for our work with others.

One unforeseen complication CAHOOTS has had is that people with a criminal history don't pass the required background checks. In order to wear a "police camera," you must pass a Homeland Security background check. So unfortunately, people who have been incarcerated/convicted of a crime are often ineligible.

Q: Scale-ability for a town as small as ours? Should we consider partnering with a neighboring town?

"We're not franchising." We are helping to build programs which respond to the unique needs of each community.

Springfield has 65,000-70,000 people, and it's sufficient to be covered by one CAHOOTS unit with 24/7 coverage. There aren't a lot of services directly located in Springfield but the service agreement includes accessing the services in Eugene, which is a much larger city with more community-based services.

Brookline could also cross the border into Boston in order to connect people with resources there if necessary. There are a lot of ways to accomplish this. Creating a regional coalition for a geographic range is another idea.

There might be other resources that need to be addressed before setting up the CAHOOTS model.

Q: Aftercare and follow-up with people for whom CAHOOTS has been called?

As first responders, CAHOOTS has scarce time for follow-up with clients after the phone call, given that they have 60 service hours in a day and often 80 calls per day.

CAHOOTS encourages people to call them as often as they need to.

CAHOOTS refers people who need case management, or other services, to other White Bird departments or to other community-based organizations. (Rental assistance, outpatient healthcare, outpatient therapy, addiction treatments, etc.)

Q: Tell us about funding

The initial funding for CAHOOTS in 1988-89 was through a public safety fund reallocation-- instead of hiring as many police officers as planned, the city funded the CAHOOTS program. Since then, we have our own funding allocation within the Eugene/Springfield budgets, i.e. separate funding from the PDs.

Our funding for the program overall comes from 4 areas:

1. Springfield: 25% town, 75% state grant funding from HHS
2. Private fundraising with philanthropists
3. Per member, per month wrap-around payment from Medicaid. This is not an individual bill—CAHOOTS does not charge clients—but they are saving the Medicaid system money in diversions from the ER, etc., Medicaid recognizes the cost savings and gives us a monthly wraparound payment.
4. "CAHOOTS Act" (Sen. Ron Wyden, Oregon) now in U.S. House of Representatives, in Rep. DeFazio's (Oregon) committee. This would allow Medicaid to fund 95% of mobile crisis program costs for the first 3 years that the program is up and running.
   Link about the act: https://www.wyden.senate.gov/news/press-releases/wyden-cortez-masto-propose-bill-to-reduce-police-violence-during-mental-health-crises

Q: How does CAHOOTS save money?

CAHOOTS itself costs $2-3 million dollars.

Two core savings:

- Medical: Diversion from EMS and hospital system: $8-10 million savings. Eliminates many ambulance rides, ED services, etc.
- Diversion from criminal legal system: Insufficient cooperation from police for strong data here, but the costs of nights in jail, tickets, court time, etc. Could say that for every dollar spent on CAHOOTS, at least $5 is going back into the community.

CAHOOTS also supports and uplifts small community organizations.

Q: What is your biggest challenge right now? Things we should be aware of?

These are issues that a lot of people are going to be passionate about; a lot of people want seats at the table. Should develop a Community Advisory Board comprised of people who directly experience the services, including the unhoused community.

Need buy-in from the people at the head of town departments and orgs. Chief of Police, Fire Dept., municipal leadership, CEOs of community-based orgs, etc.

Communities' expectations and sense of entitlement towards the CAHOOTS program.

The rapid development of grassroots programs/movements in the area meant that, whenever someone set up a march, people would put CAHOOTS on their flyer before confirming that CAHOOTS could actually be present. Some organizations which vandalized local police headquarters included CAHOOTS in their organizing, which couldn't work, because CAHOOTS needs to be able to work with the police.

CAHOOTS can't solve every conceivable problem. For example, CAHOOTS itself doesn't have a shelter. They can support a person in the moment, but without ongoing supports, there's only so far they can go.

For example, that manifested last summer with a petition to reallocate money from the police department to CAHOOTS, which would have been an unmanageable amount of growth, and wouldn't actually create more beds. CAHOOTS responded to say that the money needed to go to homeless shelters, etc.

Q: How do you decide if a call should go to CAHOOTS rather than the PD? For example, a violent scene or weapons involved? What if someone has a knife? Is there a grey area?

Every situation is a grey area. Every situation is unique. Even when we talk about weapons, we need to know context. We try to find out as much as possible before sending a team out. For example, what kind of knife is it? Is it a butter knife or a really sharp carving knife? Is the person outwardly threatening someone with the knife or does this person often carry a Swiss Army knife that he uses for cooking?

When we have those moments, it's an opportunity for us to engage with "watch command" and talk about what's going on, or if there is another resource. Or maybe we will do a joint response. Or maybe the police are going to make that first encounter but we are 3 minutes away, around the corner, just out of sight so as soon as the officers tell us that it's safe then CAHOOTS comes in and the officer and leaves.

Q: What support services would CAHOOTS like to see?

- Low-barrier shelter
- Addiction services, safe injection sites
- Harm-reduction services

- Crisis respites
- Variety of shelter options
- There is a longer, fuller list. It's about empowering people to meet basic needs, build new coping skills, and address triggers before things escalate.

End of interview/follow-up/next steps:

We can email CAHOOTS/Tim Black with questions.

Tim Black is allowed to do another hour-long conversation, pro bono, and conversation in the meantime.

CAHOOTS can develop a quote for a year-long consult for our needs (likely somewhere between $10,000-$25,000)

Other meetings with stakeholders:

Domestic Violence Roundtable: All three subcommittee members joined a roundtable zoom meeting on Oct 8, 2020 and listened to and engaged with the DV roundtable members on what they think works well in Brookline and what they would like to be increased or developed.

Notes from telephone call between Anne Weaver and Asantewaa Boykin, RN, *MH First* Director on Dec. 21, 2020.

Ms. Boykin opened the call by stating that sometimes it can be challenging to differentiate between a person undergoing a mental health crisis and a person undergoing a physical health crisis. That all too often, a person going through a physical health crisis who has a medical history record of mental health issues, may not receive the medical treatment they need because "they aren't believed" by medical staff. She frequently sees this in her work as a psychiatric nurse working in a hospital environment. This is why she co-founded *MH First*, a crisis service and support grassroots organization.

MH First consists of support volunteers and a three-person community crisis team.

The three people on the community crisis team include: (1) a crisis interventionist and a safety liaison, who doesn't engage with the person in crisis, but instead engages with police and emergency personnel if/when they arrive on the scene; (2) a RN or EMT; and (3) a person trained in mental health de-escalation and crisis support (might be a licensed professional or might be a peer supporter).

Before a community crisis team goes out, the person who has called in first speaks with a support volunteer who has been trained by *MH First* to engage with the caller and find out the specifics of what is happening, including:
If there is risk to person or persons; any physical health concerns; if there are police or emergency personnel on the scene; and other factors.

If the support person determines that a situation is urgent, then they will dispatch the three-person team to meet with the person or persons in crisis. Sometimes dispatching a team isn't necessary and other plans can be made with the caller, such as creating a safety plan, or scheduling a follow-up phone call or non-emergency visit. Sometimes these phone calls last for hours; the telephone support volunteer will stay on the phone with the caller for as long as needed. There is no time constraint.

Telephone support volunteers come from a variety of backgrounds including medical students, law school students, social workers, registered nurses, and people with lived experience of mental health issues, addiction, and lack of housing.

Ms. Boykin stated that telephone calls are not the most common way that people in crisis reach out to *MH First*. She said that texting is the #1 way people reach out, followed by direct messaging, and then by telephone.

MH First will send Lyfts to people in crisis who need transportation to go to a medical appointment or an Emergency Room. The budget for Lyft use is usually crowd-sourced.

MH First is only open on Fridays and Saturdays. They tend to receive about 4-5 calls a day per weekend.

MH First has developed a one-day training, which is mandated for all volunteers prior to the start of volunteering. This training is based on active listening, de-escalation, and emergency room diversion.

They receive some grant funding from the city of Sacramento, California.

Appendix S: Research Notes

The subcommittee reviewed over 20 articles and website links and 2 webinars related to community supports and services to VPPC. The focus of the literature review were existing programs which served people in crisis, including non-police crisis service programs, several housing program models, jail diversion models, and the Crisis Intervention Treatment BPD model. Highlighted below are the programs which seemed most relevant to the subcommittee's Charge as we continue our research and evaluation and make recommendations.

Non-police crisis service programs:
CAHOOTS (Crisis Assistance Helping Out On The Street): A private non-profit organization which operates via a third-party contract provided by law enforcement. It is located under the public safety arm of the municipal government. CAHOOTS crisis support consists of two-person teams consisting of a medic (a nurse, paramedic, or EMT) and a crisis worker who has substantial training and experience in the mental health field. The teams use trauma-informed de-escalation and harm reduction techniques during their work with a person in crisis. According to CAHOOTS, out of the approximately 24,000 calls that they responded to in 2019, police presence was only required during 250—or approximately 1%—of those calls. (El-Sabawi & Carroll, 2020, p. 26) CAHOOTS estimates that their program has saved taxpayers an average of $8.5 million a year in public safety costs alone, in part by responding to and ultimately resolving 17% of the Eugene Police Department's overall call volume.157 Because CAHOOTS also responds to non-emergency medical issues, it also saves taxpayers an additional $14 million in ambulance transport fees and emergency department treatment costs annually. (El-Sabawi & Carroll, 2020, p. 28)

Gerstein Crisis Centre in Toronto, Ontario**:** Crisis center, founded in 1989, with a 24/7 community support and mobile team. Trained in nonviolent de-escalation. Peer support. Receives about 30,000 crisis calls a year, and makes about 1600 visits a year to people in crisis in Toronto.

BEST Team: Affiliated with Boston Medical Center. A comprehensive, highly integrated system of crisis evaluation and treatment services to the greater Boston area, including Brookline. Their call center dispatches mobile clinicians to the site of the crisis and also offers information, referrals, and psychiatric evaluations, and has two urgent care centers in Boston. Also offers homeless support services including case management, outreach, and mental health assessments at the Shattuck shelter. As Annabel Lane, social worker in the BPD noted in our interview summarized above, the BEST team only serves those who have insurance through MassHealth or who are currently uninsured in any health plan.

MH First: A community-based response model for people in mental health crisis,located in Sacramento, California. The goal of MH First is "to respond to mental health crises including, but not limited to, psychiatric emergencies, substance use support, and domestic violence situations that require victim extraction." MH First provides "peer support, de-escalation services, and non-punitive and life-affirming interventions to people experiencing mental health crises." Currently operating only as a phone intervention due to Covid-19, MH First volunteer staff include people with lived experience of mental health issues, trained clinical mental health providers, and medical students and residents. Prior to taking crisis calls, volunteer staff receive five initial hours of training designed by mental health clinicians and peer supporters, receive ongoing supervision, and follow-up trainings designed by program staff.

Housing models:
Some housing models examined how the “unhoused” population could be assisted by:
The use of parking lots where unhoused people were allowed to park their cars there
The use of public space management - having access to rest rooms, showers, drinking water etc. in parks, libraries, sidewalks and streets.
Educating the public about these strategies in order to reduce calls about this
Calls don't go to the police but to a different line that connect the person with services, outreach, housing specialists, etc.

Jail diversion models:
Forensic Assertive Community Treatment (FACT): FACT is a service delivery model intended for individuals diagnosed with serious mental illness (SMI) who are involved with the criminal justice system. These individuals may have co-occurring substance use and physical health disorders. Their needs are often complex, and their disorders are often under-managed and further complicated by varying degrees of involvement with the criminal justice system. FACT builds on the evidence-based assertive community treatment (ACT) model by making adaptations based on criminal justice issues—in particular, addressing criminogenic risks and needs. In this sense, FACT is an intervention that bridges the behavioral health and criminal justice systems. FACT is designed to do the following: improve clients’ mental health outcomes and daily functioning; reduce recidivism by addressing criminogenic risks and needs; divert individuals in need of treatment away from the criminal justice system; manage costs by reducing reoccurring arrest, incarceration, and hospitalization; and increase public safety. Like ACT, FACT provides services that are client-focused, community-based, time-unlimited, and delivered by a multidisciplinary team. These services include intensive, continuous engagement
Approaches to Early Jail Diversion: Collaborations and Innovations (July, 2019): This study examined pre-booking jail diversion services for people with Mental Illness and Substance Abuse Disorder. The study reviewed a number of community behavioral health programs and law enforcement and emergency programs.

Crisis Intervention Team (CIT):
Developed in 1987 in Memphis TN following the shooting death of a 27 year-old Black man who was in a mental health crisis. National Alliance on Mental Illness (NAMI) helped develop the model. 40 hour training model which includes education about mental illness (causes , signs, and symptoms), information on involuntary commitment criteria, communication skills, and de-escalation training. CIT is currently part of the Brookline Police Dept. All BPD officers have been trained in this model, according to Dan O’Leary. BPD is one of the regional training centers for other PDs in Massachusetts. The subcommittee learned more about the BPD model in our interview with Annabel Lane and Lt Paster on Oct 29, 2020 (see above).

International Programs

Sweden: Mental health ambulance staffed with two specialized psychiatry nurses and a paramedic respond to emergency calls from people with severe mental illness or behavioral distress. Calls from the public are received by an emergency call operator who identifies a mental health crisis suitable for this program. There is some coordination with the police (check detail)

Finland: “Housing First” policy for someone who is drug-addicted or homeless.The Finnish Housing First approach was introduced in 2007 as a housing solution for the most vulnerable homeless people. Permanent housing based on a normal lease and individually tailored support services were the core elements in the approach. Increasing the supply of affordable rental housing was necessary. Also, preventive measures were reinforced. Since then, hostels have been converted into supported housing units with independent flats for the tenants and several social housing organisations have provided housing for the programme. New ways to support people and to improve integration in the neighbourhood have been developed.

England and Wales: Most police officers are unarmed and more focused on de-escalating the situation using communication and minimal violence.

Appendix T: Current Social Service Programs and Services

Current Social Services in and around Brookline:

- **Allston Brighton Community Financial Management Program** mailbox@allstonbrightoncfmp.org Free tax preparation, medical debt resolution, credit counseling.

- **Alternatives to calling Police/Boston Resources** (Mutual aid, Medford and Somerville) https://docs.google.com/document/d/1jY1TtxtCtxO9F0l7QUKrMnnvSEOBD5CC5WmXq01MyE8/edit

- **The A.C.E. Collective** (Alternatives to Calling 911) https://docs.google.com/document/d/1G9epQLI5yh_Nsl0gRoE5T42J3VXOrS1ImrX3BS3SnWE/edit

- **The Brookline Health Department** offers resources/call numbers for people to call for mental health, emotional distress, and substance abuse issues. (mental health) https://brooklinecovid19.com/emotional-health-resources/

- **Brookline Housing Authority** (Employment and ESOL supports for Brookline residents):

    - **Next Steps:** Resume, employment, training, and educational assistance, summer jobs. gwatson@brooklinehousing.org

    - **ESOL** English as a second language classes. dmendola@brooklinehousing.org

- **Brookline Center for Community Mental Health** Counseling, rental assistance and emergency assistance with other basic needs, transitional housing, homelessness prevention, case management. Info@brooklinecenter.org

    - **Safety Net**: Emergency financial assistance for people who live, work, or go to school in Brookline. Safetynet@brooklinecenter.org

    - **BRYT (Bridge for Resilient Youth in Transition) Program**: Run by Center social workers at the Brookline High school for students who've missed a lot of school.

- **Brookline Council on Aging**: On site and Senior Center based programs and services for elderly in health, arts, nutrition and recreation. dbell@brooklinema.gov

- **Brookline Early Education Program:** Day care, home visits for pre-school readiness. beep@brookline.k12.ma.us

- **Brookline Food Pantry**: Free food with three Brookline locations, limited delivery options available for homebound residents. Brooklinefoodpantry@gmail.com

- **Brookline Office of Veterans Services**: Assists veterans with services including annuities, social security, medical care referrals, counseling, educational benefits, emergency funds, job searches, housing, and other services. bmcgroaty@brooklinema.gov

- **Brookline Mutual Aid**: Community-based initiative to ensure that everyone has access to essential resources like food, cleaning supplies, medication, childcare, and financial assistance as immediately as possible. mutualaidbrookline@gmail.com
- **Brookline Recreation Department**: Low cost summer camps, swimming, sports, health & wellness, childcare, trips, & special events. Financial aid available. recreation@brooklinema.gov

- **Brookline Health Department, Emergency Preparedness Buddies Program**: The EP Buddies Program is free and designed to match volunteer coaches to elder buddies to help them determine their needs in order to improve their preparedness and resilience. sgordon@brooklinema.gov

- **Brookline Teen Center**: Teen-driven, drop-in, out-of-school time facility offering an array of programs, activities and events. info@brooklineteencenter.org

- **Massachusetts Housing and Shelter Alliance**: https://mhsa.net/ (help find housing)

- **Massachusetts Coalition for the Homeless** https://mahomeless.org/ (help find housing)

- **Office of Diversity, Inclusion, and Community Relations**: Advocates for those who may face discrimination, stereotyping and social injustice. lgellineau@brooklinema.gov

- **Springwell**: On site coordination of services that allow seniors and individuals with disabilities to live at home. inforef@springwell.com

- **Step by Step** Supportive Services to help adults with psychiatric, cognitive, and social disabilities lead meaningful and fulfilling lives. http://www.stepbystepss.org/

- **Steps to Success**: Comprehensive support for low-income students in Brookline schools from grades 4 through college. sts@stepstosuccessbrookline.org

- **Women Thriving**: Community-based programming to support holistic health and wellbeing of low-income women in Massachusetts. annbrackett@womenthrivingma.org

Appendix U: BPD Crisis Call Data

Subcommittee members reviewed BPD data on crisis call codes provided to the Task Force by the BPD.

In the month of September 2020, approximately 119 calls were made to the BPD by, or on behalf of, a person in crisis in Brookline. Of these calls, 14 call codes were for a "confused person"; three were for a "family disturbance"; six were for an "intoxicated person"; nine were for a "psychiatric evaluation"; 17 were for a "medical emergency"; and 59 were for a "well being" check.[17]

The data for September 2020 crisis calls does not indicate the results of the interventions.

In a separate document entitled "Brookline Public Safety Communications Overview," in 2019 the BPD received 665 call codes for a "well being check" on a person in the community; 179 call codes for a "psychiatric emergency"; 101 calls on an "intoxicated person"; and 51 call codes for "CIT follow-up".

In 2018, the BPD received 592 call codes for a "well being check" on a person in the community; 166 call codes for a "psychiatric emergency"; 112 calls on an "intoxicated person"; and 74 call codes for "CIT follow-up".

[17] Note: It is unclear from the above data if more than one of the received call codes might have been about the same individual in crisis. For example, three of the 14 calls on behalf of a "confused person" were received on the same day, so it is possible that more than one call was made for that same person in crisis.

Appendix V: Public Hearing Notes

Vulnerable people and People in Crisis subcommittee
Public Hearing
Feb 4, 2021

[**NOTE**: This document is not word-for-word transcribed; many of the comments have been shortened or summarized. Careful attention was made to not change the substance or meaning of the responses.]

26 public attendees

Gaurav, Brookline resident: These all sound like great recommendations, especially CAHOOTS. In terms of the process, it would be a shame if this didn't pass. Why don't we already have this? Is the town going to vote for this and if so, when?

Naomi, Brookline resident: Thank you for your time and effort and I agree with all of your recommendations. I have been working in homeless services for the last 22 years in different capacities. I have multiple family members with mental health and substance use issues and I know what it's like to have police involved in their lives. I love the idea of the Town creating a social services dept.
Cambridge has a very robust social services department and the value they put into pre-crisis services is very clear.
De-escalation is centered on being respectful and trauma-informed and person-centered and is an important part of the work. Calling the police should be the last resort as many people have had negative reactions to the police in the past. I want to second the recommendation of working with CAHOOTS. I think it would be a great thing for Brookline to explore.
If you have a family member with mental health or substance use issues, you don't want someone in a uniform with all that power showing up as the first responder. You want someone trained in person-centered, trauma-informed de-escalation to show up, not a police officer.
Thank you for your work, I am available to help

Jody, Brookline resident: I am a licensed clinical psychologist. I resonate with everything Naomi just said and I agree with all of your recommendations. Thank you for your work.

Emy, Brookline resident: Thank you for your hard work in ensuring that Brookline can be a safer place for all of us. I strongly agree with your recommendations that police officers should not be primary first responders. I am speaking from personal experience with family members.
In terms of your recommendation that pre-crisis services need to be expanded in order to prevent such crises from occurring, I agree. I think you should push your definition of pre-crisis services a little wider to include things like high-quality equitable education, Medicare for all, and expanded housing opportunities. Universal basic rights that are often the root cause of "crime prevention."
I love the idea of a social services dept but I don't want it to be just a place that just coordinates direct social services. I want it to be a place that also makes the connections between direct services and root causes in our community. For example, to keep track of how many people are in need of "X" direct service and instead of taking that data at face value, the dept can then ask the larger questions of why so many people are in need of "X" direct service and then coordinate solutions with other towns and the state depts and agencies to address these underlying root causes.

Sam, former Brookline resident: I want to interrogate the use of "highly trained" individuals in these roles. Maybe we could also use people to serve in these roles who are directly from the community. Maybe think about shifting the frame to not have to rely on any credentialed professionals and instead give the power back to people who know what their needs are and could consult for themselves —if the power was given back to them. Thank you.

Jeffrey, Brookline resident: Thanks for all the work you are doing on this. I want to speak from a personal perspective. My dad was a cop and he always said that the hardest work was dealing with domestic crisis situations. He said it was like coming into the movie in the middle, so to speak, wearing a uniform and with a gun. The history of racism also can't be overlooked here. Being a white officer going into communities of color. It's tough for cops; they also don't know what to expect and there is a lot of fear for them, too. They don't know what risk they are going to be put in.
I've been wondering if there is any data that you have been able to get from the BPD about how often they go into such situations. How often they have needed to use police force to be effective in that way. What the outcomes have been. I think that would be really important information to have. It's also a money thing. We are spending money for the police to do things which raises the situation for everyone -- including for the police. It may be a poor use of resources. I hope we can get data from the BPD on that.

Ryan, Brookline resident: CAHOOTS sounds like a good idea, as well as increasing pre-crisis supports and the creation of a social services department. I do want to emphasize the holistic approach to public safety, thinking about the entirety of someone's needs and the root causes that might be affecting them.
I just saw in the news that Austin,Texas just bought a hotel to house people without housing. Sometimes it is just that simple; providing housing for people who don't have it. You just have to have the political will to make those decisions. Thank you.

Donelle, Brookline resident: Thank you, you are doing crucial work. I appreciate what you are doing.

Gaurav, Brookline resident: I think Ryan raised a good point, why not shift money from the police dept to creating housing for people who need it. How much are we spending on the police, how much are we spending on housing? Where can I find that information? Thank you. [subcommittee members directed Gaurav to the Town of Brookline website]

Donelle, Brookline resident: Have you been reaching out to community members? What questions do you have for us? Like over here in the Village Way, where I live, how do we get the message out that we are having these meetings and conversations? How can I get people more aware of these meetings and talk about their experiences? In our complex, we are going to start doing zoom public forums, have public forums on concerns in the community. I want to add information about the Task Force in our forum. Maybe have a Task Force member speak?

Alex, subcommittee member: There will be a full Task Force public forum on Feb 17th. Also, encourage people to send us emails, if they prefer to be anonymous. [Subcommittee provided the Task Force email in chat]

[Redacted name, due to personal information shared] Brookline resident: While I don't have any experience interacting with the police in terms of mental health crisis, I do have experience being in the Brookline public school system, particularly at the high school.

Brookline high school is really ahead of the curve in terms of addressing acute mental health, and in terms of meeting students who are experiencing such issues, in terms of meeting them where they are at.
I had severe depression and anxiety in HS which led to me missing a huge amount of school, and, when I was at school, missing a lot of classes. I was part of the BRYT [Bridge for Resilient Youth in Transition] program, which is at the HS. BRYT is a program of the Brookline Center for Community Mental Health and is run by social workers. It's a program where students who have missed a lot of school can reintegrate into the school. BRYT includes SWs and a tutor to help students successfully enter back into school. They are the reason that I graduated high school, because I had these social workers advocating for me and supporting me. Brookline is doing something right with the BRYT program. Why does that support stop when you reach age 18 and when you graduate high school? Why can't we expand it, meet everybody where they are at, have a program that's beneficial and supportive for people age 18 and older?

Carolina San Miguel, Town of Brookline community engagement strategist: I just want to introduce myself. My job is to reach out to people, I am here and want to engage with the community. Please feel free to contact me and I am glad to help. Thank you.

Nathan, Brookline resident: I support the recommendations of the report, especially the CAHOOTS program. I believe the funding of the police should be reduced and the funding be used to support these new programs. Thank you.

Eva, Brookline resident: I don't have anything new to say. I just want to reiterate what people have said already. I support the work this subcommittee has been doing. I grew up feeling scared of the police, I didn't want to call them when dealing with family issues and I think these recommendations are good steps in the right direction.

Bonnie, Brookline resident, Task Force to Reimagine Policing member: I want to say that right now is the time to advocate for this work.
Budget season is upon us and this is the time to show up and help support these ideas and the work. We need your voice and your presence to make this work happen. Thank you.

Raul, Task Force to Reimagine Policing Chair: I want to make sure everyone knows about what's coming next. Friday morning Task Force meetings from 8:00-10:00 am. Task Force full public hearing meeting on Feb 17 at 7:00 pm. The Task Force will then present on March 2 at the Select Board meeting. Please attend these meetings and share your thoughts.

[End of public hearing]