

A Blueprint for Police Reform through the Union Contracts

Michelle *WU!* for Mayor

Delivering public safety through a lens of public health and community trust requires urgent action to rebuild the culture and structure of the Boston Police Department. But for too long, the necessary steps for meaningful change have been hindered by provisions in the collective bargaining agreement that deflect accountability and impede transparency. These changes will not happen by simply shifting a line item and expecting the police to fulfill the exact same role.

As Mayor, I will deliver structural changes that go beyond announcements or goals, and instead are embedded in the collective bargaining agreements with the City. It's time to get serious about structural changes to the BPD with a contract that gets to the root of the cultural and systemic reforms we need — full transparency and true accountability for misconduct, reducing wasteful overtime spending to reinvest those funds in neighborhood-level services, and removing the functions of traffic enforcement and social services from the department's purview.

Ensuring Public Accountability and Transparency

- 1. Establish and enforce an objective discipline matrix.** Too often, discipline for police misconduct is driven by racial bias, nepotism, or favoritism, fostering a culture where some officers can act with impunity, knowing they will not face consequences. Police contracts should establish a discipline matrix, tying specific violations to transparent disciplinary actions, to ensure consistency, objectivity, and predictability in disciplinary decisions. The matrix can include potential aggravating and mitigating factors to enable supervisors to determine appropriate disciplinary action for each situation.
- 2. Eliminate binding arbitration for certain serious offenses.** Previous contracts have exempted decisions regarding suspension and discharge from binding arbitration, but the 2007 contract removed that exemption. Arbitrators have overturned nearly three-quarters of BPD disciplinary decisions and nearly one-third of firings over the past 13 years. The BPD Commissioner must have the authority to make disciplinary decisions in consultation with the Civilian Review Board, without infringement by outside arbitrators. Decisions that do go to arbitration must be governed by the discipline matrix spelled out in the contract.
- 3. Incorporate disciplinary history into promotional decisions.** The current BPPA contract prevents BPD from disciplining members as a result of poor performance evaluations or taking such evaluations into account when considering promotions. Establishing an objective disciplinary matrix allows decisions around officers' career advancement to be aligned with job performance.
- 4. Require the publication of minimum staffing calculations.** Community members deserve to know how minimum staffing levels are determined for each BPD district to ensure public dollars are being directed toward activities that truly protect public

health and safety, prevent harmful over-policing in Black, brown and immigrant neighborhoods, and safeguard the fiscal efficiency of public dollars.

5. Make regular updates to the public about the timeline for contract negotiations.

While the substance of union negotiations may remain confidential, the Mayor can and should share with the public the timeline for renegotiating and finalizing collective bargaining agreements — including those with the BPPA and Boston Police Detectives Benevolent Society, which expired in June 2020 — so that the City Council and community members have meaningful ways to weigh in.

6. Ensure data transparency. The Boston Police Reform Task Force recommends creating a public-facing data dashboard so that members of the community have transparent access to information on use of force, field interrogation and observation, arrests, complaints, search warrants, and warrantless searches and seizures disaggregated by race, ethnicity, and zip code. The next contract must explicitly mandate regular, proactive reporting of this data to enable public accountability and trust.

Reducing Costs and Reinvesting in Community

1. Establish procedures to minimize routine overtime. The current police contract requires that shifts not be rearranged to reduce overtime opportunities. The next contract should ensure that routine uses of overtime — for example, officers who attend court or community events as part of their regular duties — can be converted into regular hours, reserving overtime for genuinely unpredictable aspects of public safety work. The contract should eliminate the 4-hour minimum court appearance policy, which requires that officers simply dropping off documents receive a minimum of 4 hours of overtime pay, and also build in transparency around decision-making for assigning overtime shifts for large public events, with consistently-applied guardrails for what conditions may warrant major police presence.

2. Protect against overtime abuse. In 2019, fewer than 48% of court overtime hours paid to officers were actually worked — and this proportion has been declining over time. Publicly available data indicates that a small number of individual officers are responsible for a large proportion of these unworked overtime hours. For example, though the vast majority of officers appear in court only a few times per year, in 2019, fifteen officers logged hours from court appearances spanning 150 days or more each. In addition to wholesale overtime reform, individual caps on overtime pay can prevent the most egregious abuses and build a new culture of accountability.

3. Automate or civilianize attendance reporting. Dozens of sworn officers staff each unit's time and attendance desk, recording which officers are coming into work and

entering overtime slips into an electronic system. Many of these responsibilities can be automated, and more complicated tasks can be assigned to civilian personnel — saving costs, and redirecting police officers to police work.

Establishing Guardrails on Over-Policing

- 1. Divert nonviolent 911 calls to alternative response teams.** Nonviolent incidents such as calls related to individuals for homelessness, substance use, or mental health crises should be diverted away from the police, toward mental health clinicians, social workers, community outreach workers, and other service providers, based on longstanding successful models in other cities grounded in public health. Police contracts must allow for the creation of such alternative response frameworks, managed by the HHS Cabinet, including creating a formal structure for 911 operators to triage calls and coordinate the appropriate response.
- 2. Civilianize traffic enforcement.** Traffic stops are the most common interaction that residents have with the police, and they disproportionately affect Black residents. The presence of a police officer during routine traffic stops raises the risk of armed confrontation, sometimes with tragic consequences. Routine traffic enforcement — for example, stops for broken tail lights or rolling stops — should be diverted away from the police, relying instead on trained, unarmed civilian personnel.