

Civilian Oversight Task Force

2025 Report



Mayor
Katjana Ballantyne

DEPARTMENT OF
**RACIAL &
SOCIAL JUSTICE**
CITY OF SOMERVILLE, MA

Civilian Oversight Task Force

The list below reflects the membership of the Civilian Oversight Task Force. The Civilian Oversight Task Force comprised Somerville constituents, elected officials, subject matter experts, City staff, and community partners.

As a part of this community-driven process, these individuals have all played a role in forming these recommendations and developing this report. They have worked together to ensure the recommendations capture the community voice and needs of Somerville.

Supported by the Department of Racial and Social Justice, the Civilian Oversight Task Force received extensive training and opportunities to meet with local, regional, and national experts operating in their focus areas.

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EXECUTIVE SUMMARY

The City of Somerville convened the Civilian Oversight Task Force in Spring 2023 to examine models for local police oversight. Drawing on more than a year of community engagement and expert consultation, the Task Force proposes the creation of a Public Safety Oversight Commission (PSOC), with five basic functions:

- **Community Listening and Support:** the Commission should minimize barriers for the community to share complaints, commendations, and ideas about the police. And it should be actively working to solicit input from all members of the Somerville community, especially from historically underrepresented people.
- **Data Access and Transparency:** the Commission should have as much access to police data and records as possible, and should work to share as much information as possible to keep the public informed about how police are operating.
- **Alternative Dispute Resolution:** alongside its role supporting complainants in the traditional disciplinary process, the Commission should also look for constructive, voluntary approaches to resolving problems and identifying solutions.
- **Policy and Practice Improvement:** the Commission should look beyond individual cases, analyze broader behavioral trends in police operations, and develop and recommend improvements wherever possible.
- **Accountability Backstopping:** the statewide Peace Officer Standards and Training Commission has the power to investigate and dismiss officers, and will usually be the right body to review most serious misconduct complaints. But when POST decides to refer a case to a local entity, or the existing process fails in some way, the Commission should have backup authority to hire its own investigators and make its own disciplinary recommendations.

The PSOC should be made up of 9 Commissioners with a diverse mix of backgrounds, 6 appointed by the City Council and 3 by the Mayor, serving 3 year terms. No Commissioner should be a current or former Somerville Police Department employee. All Commissioners should receive thorough training and be expected to abide by the National Association for Civilian Oversight of Law Enforcement Code of Ethics. They should be supported by a paid Executive Director who carries out the administrative work of the Board, working with other City departments, and hiring contractors for investigations, mediations, and data analysis. And they should also be supported by 2 Police Liaisons, chosen by the Chief of Police, who help them work productively with the Somerville Police Department.

To carry out its functions, the PSOC should have a range of powers, including (but not limited to) the power to access and analyze all police data and records, subpoena testimony, release information to the public, mediate disputes, review and recommend changes to policies and practices, launch investigations, and make disciplinary recommendations, to the extent permitted by law and collective bargaining obligations.

“[e]stablishment of an independent, civilian oversight structure of the Somerville Police Department with membership representative of the community’s diversity.”

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INTRODUCTION

How did we get here?

More than two decades ago, the City of Somerville's Human Rights Commission called for the creation of a civilian body to oversee the Somerville Police Department.¹ The issue of civilian oversight rose to renewed prominence when Somerville Police officers were accused of excessive force towards counter-protestors at the "Boston Straight Pride Parade" in August 2019.² These calls were reiterated with increased urgency in June 2020 after the national protests and unrest following the murder of George Floyd, Tony McDade, and Breonna Taylor. The City Council discussed "preparing legislation that creates both a Police Commission and a Community Police Review Agency by ordinance in Somerville."³ Then-Mayor Joseph Curtatone announced as a policy priority the "[e]stablishment of an independent, civilian oversight structure of the Somerville Police Department with membership representative of the community's diversity."⁴

A randomized survey of Somerville residents in October and November 2020 supported these calls for oversight of the Somerville Police Department (SPD), with the report highlighting that: "[t]here is overwhelming support among Somerville residents for the creation of a civilian review board to oversee policing [...] 81% of residents want to see the creation of such a board and only 6% are opposed."⁵ The latest staffing study of the Somerville Police Department, released in November 2023, echoed these calls for oversight, concluding that "the City should move forward with the establishment of a Civilian Review Board" and concluded that "[a] civilian board allows outsiders to have a window into that process to help verify that disciplinary procedures are fair and comprehensive [...] This not only helps ensure that officers are being held appropriately accountable for their actions but promotes community trust in police by enhancing transparency."⁶

¹ Shira Laucharoen (2021). "Mayoral Candidates Reflect on Policing in Somerville." Boston Institute for Nonprofit Journalism. Available at <https://binjonline.com/2021/10/13/mayoral-candidates-reflect-on-policing-in-somerville/>.

² Joseph Curtatone and David Fallon (2019). "Next steps following submission of the after-action report on the August 31st, 2019, 'Boston Straight Pride parade' and counter-protest." Available at <https://s3.amazonaws.com/somervillema-live/s3fs-public/memo-with-submission-after-action-spd-report-11-14-19.pdf>.

³ City of Somerville (2020). "Calling upon this Council to create a Police Commission and a Community Police Review Agency." Available at: https://somervillecityma.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=3159&MediaPosition=3596.163&ID=23129&CssClass=.

⁴ City of Somerville (2020). "Somerville to Officially Declare Systemic Racism a Public Safety and Health Emergency Mayor Curtatone Announces Next Steps in Ongoing Efforts to Provide Just, Unbiased, and Compassionate Community Policing." Available at <https://www.somervillema.gov/news/somerville-officially-declare-systemic-racism-public-safety-and-health-emergency-mayor>.

⁵ B. Schaffner et al. (2021). "How Residents View Policing in Somerville." Tufts University. Available at <https://tufts.app.box.com/v/tisch-somerville-report>.

⁶ Raftelis (2023). "City of Somerville Police Department Staffing & Operations Analysis." Available at <https://www.somervillepd.com/images/Policies/SPD-Staffing-and-Operations-Analysis-Final-Report-2023.pdf>

In November 2020, the City of Somerville hired two legislative support staff members to facilitate research and outreach about establishing a civilian oversight body in Somerville.⁷ A preliminary analysis report in February 2021 emphasized the need for “extensive, ongoing, and multilingual community outreach, and particularly active efforts to bring diverse voices to the table.”⁸ To this end, in March 2021, the City Council initiated a community outreach process and made plans to initiate a legislative process to formally create a civilian oversight agency in Somerville. In January 2023, the Department of Racial and Social Justice initiated a series of webinars on various topics around civilian oversight and solicited calls for community representatives for a task force to study and make recommendations for civilian oversight in the Somerville community.⁹ The Civilian Oversight Task Force was convened in Spring 2023; this report is the culmination of its efforts.

As the City of Somerville worked to develop its own local oversight of law enforcement, the Commonwealth of Massachusetts moved in parallel to strengthen statewide oversight mechanisms. In 2020, the state created the Peace Officer Standards and Training (“POST”) Commission. POST is “charged with implementing a mandatory certification process for police officers, including decertification, suspension of certification, or reprimand in the event of certain police misconduct; receiving, investigating, and adjudicating officer misconduct complaints and improper use of force; and maintaining and publishing officer information, including certification status, suspensions, and disciplinary records.” POST has broad powers and resources to investigate and discipline law enforcement officers, including the ability to reprimand, suspend, and decertify officers. Decertified officers can no longer serve in any police department in the state.¹⁰

POST is independent of and separate from the Somerville Police Department’s own Professional Standards Division, which is the internal body responsible for investigating misconduct. POST is also distinct from the Middlesex District Attorney, who has the power to pursue criminal charges against officers. POST, Professional Standards, and the District Attorney provide multiple routes for review, investigation, and discipline of officers. The goal of the Civilian Oversight Task Force has not been to replace or replicate these bodies and their processes, but to complement them with a body led by and accountable to the Somerville community.

⁷ Julia Taliesin (2020). “Somerville City Council hires staff to develop police oversight process.” Wicked Local. Available at <https://www.wickedlocal.com/story/somerville-journal/2020/11/25/somerville-city-council-hires-staff-develop-police-oversight/6420285002/>

⁸ Ayermin Decena (2021). “Civilian Oversight of Police in Somerville: Preliminary Analysis Report.” City of Somerville.

⁹ City of Somerville (n.d.). “Civilian Oversight.” Available at <https://www.somervillema.gov/content/civilian-oversight>

¹⁰ As of May 31, 2024, there are currently 53 officers across the state whose certifications have been suspended for non-administrative reasons and 18 officers across the state who have been decertified. One of the suspended officers previously served with SPD; no SPD officers have been decertified. Almost all current non-administrative suspensions are the result of Massachusetts General Law c. 6E § 9(a)(1), which requires that POST “immediately suspend the certification of an officer who is arrested, charged or indicted for a felony.” The list of suspended and decertified officers is available at <https://www.mass.gov/lists/data-and-reports#consolidated-list-of-officer-status->.

Where do we go next?

After more than a year of community engagement, consultation with experts inside and outside City government, and intense discussion and debate, the Task Force has developed a proposed model for oversight in Somerville: the Public Safety Oversight Commission.¹¹ Our proposed model is based around five basic, interdependent functions:

- **Community Listening and Support:** the Commission should minimize barriers for people who have both positive and negative feedback and ideas to share about the police. And it should be actively working to solicit input from all members of the Somerville community, especially from historically underrepresented people.
- **Data Access and Transparency:** the Commission should have as much access to police data and records as possible, and should work to share as much information as possible to keep the public informed about how police are operating.
- **Alternative Dispute Resolution:** alongside its role supporting complainants in the traditional disciplinary process, the Commission should also look for constructive, voluntary approaches to resolving problems and identifying solutions.
- **Policy and Practice Improvement:** the Commission should look beyond individual cases, analyze broader behavioral trends in police operations, and develop and recommend improvements wherever possible.
- **Accountability Backstopping:** because of its power and resources, POST is likely to be the right body to handle most serious misconduct complaints. But when POST decides to refer a case to a local entity, or the existing process fails in some way, the Commission should have backup authority to hire its own investigators and make its own disciplinary recommendations.

“... [the Commssion] should be actively working to solicit input from all members of the Somerville community, especially from historically underrepresented people.”

¹¹ For convenience we will refer to this simply as “the Commission” in the rest of this report, and refer to the Peace Officer Standards and Training Commission only as POST.

In the next section, we will discuss each of these functions in detail. In those discussions, we will make repeated reference to National Association for Civilian Oversight of Law Enforcement’s (NACOLE) “Thirteen Principles for Effective Oversight,” which we found to be helpful guideposts for our work.¹² Those principles are:

- Independence
- Clearly Defined and Adequate Jurisdiction and Authority
- Unfettered Access to Records and Facilities
- Access to Law Enforcement Executives and Internal Affairs Staff
- Full Cooperation
- Sustained Stakeholder Support
- Adequate Funding and Operational Resources
- Public Reporting and Transparency
- Policy and Patterns in Practice Analysis
- Community Outreach
- Community Involvement
- Confidentiality, Anonymity, and Protection from Retaliation
- Procedural Justice and Legitimacy

Public safety depends on trust. No matter how low the crime rate, people cannot feel fully safe if they do not trust the police charged with protecting them. Police cannot do their best work when faced with serious mistrust in the community they serve. Effective law enforcement relies on everyone feeling comfortable calling the police when help is needed.¹³

The goal of civilian oversight is to enhance public safety by building trust between members of the community and law enforcement. Misconduct, or even the perception of misconduct, erodes trust. But trust can be built and maintained as well: that is the central mission of the Commission we propose.

“The goal of civilian oversight is to enhance public safety by building trust between members of the community and law enforcement.”

¹² The full text of the principles are also reproduced in Appendix I.

¹³ In a 2021 survey conducted by Tufts University researchers, 22% of Somerville respondents said that they would feel uncomfortable calling the police for assistance. In a 2022-2023 survey conducted by the Public Safety For All task force, 22% of Somerville respondents said that SPD officers in their neighborhood “almost never” or “never” make them feel safe (with a further 22% saying officers “sometimes” make them feel safe). See B. Schaffner et al. (2021). “How Residents View Policing in Somerville.” Tufts University. Available at <https://tufts.app.box.com/v/tisch-somerville-report>; see also City of Somerville (2023). “Public Safety for All Survey Results.” Available at <https://public.tableau.com/app/profile/cityofsomerville/viz/PublicSafetyforAllSurveyResults/DivergingScale>.

WHAT SHOULD A PUBLIC SAFETY OVERSIGHT COMMISSION DO?



Community Listening and Support

Help community members share their issues, experiences, and insights about public safety.

The first duties of an oversight body are to listen to community members and to help make sure that their voices are heard. In its most basic form, this means making sure that the public safety complaint process is universally accessible. A recent survey found that only 30% of Somerville adult residents would know how to file a complaint if they had a negative experience with law enforcement. Just 57% of Somerville residents reported that they would feel comfortable filing a complaint if they had a negative experience with law enforcement. Among black or hispanic residents of Somerville, roughly 1 in 5 would feel “very uncomfortable” filing a complaint.¹⁴ Making sure the complaint process feels safe, accessible, and responsive is crucial to building a “procedurally just” oversight system. As NACOLE highlights:

Procedural justice and legitimacy should serve as core principles guiding the work and processes of effective civilian oversight. [...] [P]rocedurally just complaint processes — where complainants report being satisfied with the quality of communication and the process — increase complainant satisfaction.¹⁵

To this end, the Commission should build a complaint process that empowers all members of the community:

- The Commission should provide multiple routes for community members to submit complaints, ask questions, or provide feedback, through both digital and physical routes.
 - The City of Somerville should disseminate the Commission’s contact information widely, posting the Commission’s phone number and website prominently on every marked police vehicle, inside all City buildings, and on the SPD website.

¹⁴ The 57% figure combines those who say they would feel “somewhat” or “very” comfortable filing a complaint against an officer. See B. Schaffner, et al. (2021). “How Residents View Policing in Somerville.” Tufts University. Available at <https://tufts.app.box.com/v/tisch-somerville-report>.

¹⁵ See Appendix I, Procedural Justice and Legitimacy. This is true for law enforcement officers as well as the public: “[O]fficer perceptions of a procedurally-just work environment is associated with reduced misconduct and corruption, as well as greater endorsement of policing reforms, reduced mistrust and cynicism with the community, willingness to obey supervisors, and increased officer well-being.”

- The Commission should have prompt access to any complaints made through other City of Somerville agencies, such as the Somerville Police Department, its Professional Standards Division, and the Human Rights Commission. The Commission should develop a process for obtaining complaints made through state entities like the District Attorney or POST, so it has records of all complaints made about the SPD.
- The Commission should offer administrative and technical support to complainants.¹⁶
 - The Commission should help complainants understand their options, helping them navigate between POST, the District Attorney, SPD's Professional Standards Division, and the Commission's own dispute resolution procedures.¹⁷
 - The Commission should minimize unnecessary barriers to accessing complaint procedures. For example, POST's Police Misconduct Complaint Form is currently available only in English: the Commission can work with SomerViva to arrange language assistance when needed.
 - The Commission can choose to provide help gathering information to support a good faith complaint, when it determines that such information is key to ensuring a thorough hearing.
- As complaints proceed through the system, the Commission should provide regular status updates to complainants.
 - Most serious misconduct complaints are likely to be directed to POST. If POST declines to pursue a full investigation of the complaint, if the complainant decides not to submit the complaint to POST, or if POST conducts an investigation and produces a finding that the complainant is not satisfied with, the Commission should consult with the complainant to discuss their remaining options. See the sections on Alternative Dispute Resolution and Accountability Backstopping for more.
 - The Commission can also provide ongoing technical and administrative support as complaints are processed.
- Throughout the complaint handling process, the Commission and any supporting staff should maintain the confidentiality of the complainant as far as possible. This should include developing rigorous processes and training to ensure that confidentiality standards are maintained.¹⁸

¹⁶ Neither the Commission nor its staff can be a substitute for legal services or advocacy. This technical and administrative support should be provided by Commission staff, so Commissioners themselves can remain neutral. The Commission may decide to limit its support for particular complaints if it deems them to be frivolous or in bad faith, and should develop a process for making these determinations. The concepts of frivolity and bad faith are common legal concepts: see <https://www.law.cornell.edu/wex/frivolous> and https://www.law.cornell.edu/wex/bad_faith for more.

¹⁷ We are recommending that the Commission have its own investigative powers, but as discussed in the Accountability Backstopping section, these are intended as a backup when other processes fail rather than as a first choice for complainants.

¹⁸ This is discussed in greater detail in the next section.

This last point about confidentiality is crucial. As NACOLE underlines:

“An oversight agency cannot maintain credibility, legitimacy, and public trust if it does not or cannot respect confidentiality agreements, maintain the anonymity of those who wish to share information anonymously, and work towards creating an environment where those involved with or contacting the oversight agency can do so without fear of retaliation or retribution.”

This support should also extend to SPD officers and employees, to provide them with an additional route to raise concerns about the department or fellow officers, alongside Professional Standards and their union representatives.

The work of listening cannot be limited to complaints, however. As NACOLE emphasizes, community outreach and involvement in the work of an oversight body are both crucial:

“As an institution representing the interests of the local community, conducting outreach to the community and local stakeholders is essential to effective civilian oversight.”¹⁹

“Without sufficient involvement of those most interested in and impacted by local issues regarding law enforcement, it is unlikely that civilian oversight will be able to successfully accomplish its goals.”²⁰

“The Commission should be actively engaging with the community, not simply waiting for community members to show up.”

¹⁰ See Appendix I, Community Outreach.

¹⁷ See Appendix I, Community Involvement

The Commission should also welcome community thanks or commendations, so it can highlight and track when police are performing especially well. And beyond comments on particular incidents, the Commission should also actively gather ideas for how to improve policing in Somerville more broadly.

- The Commission’s public meetings should include genuine opportunities for public input, whether positive or negative.
- The Commission’s website should make it easy to submit written comments and ideas.
- The Commission should periodically conduct randomized surveys and interview community members.
- The Commission should be actively engaging with the community, not simply waiting for community members to show up. Commissioners should arrange to visit with other community groups in their own venues, to give people who do not attend Commission meetings an opportunity to contribute and to build ongoing relationships with these groups.

Beyond public engagement, the Commission should also seek to consult widely with stakeholders across City government, including with the Mayor and their staff, the City Council, and the Somerville Police Department, as well as with the relevant police unions. Engagement or consultation does not mean that the Commission should take instructions from any other part of government: it is vital that the Commission guard its independence. But consultation and relationship-building are important to functioning effectively within city government, as NACOLE outlines:

“Ongoing engagement with and support from stakeholders regarding local public safety and law enforcement-related issues is an important component of effectiveness. An otherwise well-designed civilian oversight mechanism can be undermined over time by a lack of meaningful support from those who can contribute to an agency’s success.”²¹

²¹ See Appendix I, Sustained Stakeholder Support.

Data Access and Transparency

Keep the public informed and monitor how public safety is operating.

Democratic oversight is only possible if people are informed. Neither the Commission nor the broader community can monitor patterns, assess conduct, respond to crises, or develop solutions effectively without knowing how things actually stand. The nature of this access and how much data can be shared will depend on the law, the status of criminal investigations, and collective bargaining agreements. But a crucial part of the Commission's work is to have a body outside the police that can access police data and share it with the public when appropriate.

Access to Records and Personnel

To carry out its mission the Commission needs unfettered access to SPD records, data, budgets, and procedures, to the fullest extent permitted by the law, due process rights, and collective bargaining agreements (CBAs). This is one of NACOLE's core principles:

*"Unfettered access to the subject law enforcement agency's records is vitally important for effective civilian oversight."*²²

While a theoretical right of access is important, in practice the Commission can only reach its full potential if it has genuine cooperation from SPD and other City entities. This depends primarily on building relationships and trust across departments, but we also follow NACOLE in recommending that cooperation with the Commission be made a condition of employment (with respect for due process rights and rights against self-incrimination):

*"In addition to having access to relevant records and department executives, effective civilian oversight requires the full cooperation of all officers and department staff throughout the course of its work. [...] Cooperation with civilian oversight should be a condition of employment for all officers and staff within the agency's jurisdiction."*²³

²² See Appendix I, Unfettered Access to Records and Facilities.

²³ See Appendix I, Full Cooperation.

The Commission should also be able to make requests like any other entity through the Public Records Law, which requires responses within 10 business days.²⁴ But the presumption should be that the SPD is obligated to turn over all internal material requested by the board, as far as relevant laws and collective bargaining agreements permit. In the event of a disagreement between the Commission and SPD about whether particular information or data is privileged, the Legal Department of the City should help resolve the issue.

Ideally information should flow smoothly and voluntarily, but as a failsafe the Commission should have the power to subpoena SPD and its employees for testimony and records when necessary, subject to protections being in place to preserve employees' due process rights and fulfill the all of the City's collective bargaining obligations related to such testimony.²⁵

To handle this access responsibly, the Commission must institute internal policies and procedures and train members and staff to ensure that all data and records are handled safely and in line with relevant law, and to protect confidentiality of materials wherever necessary.

“... the Commission should maintain a database of all complaints and commendations filed against SPD officers and employees and the status of those filings.”

As part of carrying out its data management functions, the Commission should maintain a database of all complaints and commendations filed against SPD officers and employees and the status of those filings. In addition to adding new filings as they occur, the Commission should also work with SPD to fill out records of past complaints and commendations, so that it can review incoming filings in light of the past.

²⁴ When the Commission makes requests through the Public Records Law process, any and all fees should be automatically waived. For more on the relevant law, see Division of Public Records (2022) “A Guide to the Massachusetts Public Records Law.” Available at <https://www.sec.state.ma.us/divisions/public-records/download/guide.pdf>.

²⁵ See Appendix III for more on the legal basis for this authority.

Transparency

Civilian oversight and trust in law enforcement cannot be accomplished solely through the work of a board of 9 individuals. Oversight and trust require continual input from and engagement with the entire community. To this end, the Commission must not only have privileged access to data, it must also work to share information wherever possible. As NACOLE emphasizes:

“An independent entity bringing transparency to a historically opaque process is a fundamental goal and component of civilian oversight.”

Civilian oversight provides a unique opportunity for the public to learn about misconduct complaints and other areas of the law enforcement agency that serves the community.”²⁶

“An independent entity bringing transparency to a historically opaque process is a fundamental goal and component of civilian oversight.”

The Commission should enable the regular, timely, and accessible flow of information about the Somerville Police Department (and the Commission itself) to the public. The Commission should publish a report at least annually that summarizes its activities, and make this report available in both paper and digital formats. The Commission should also maintain a regularly updated and accessible online platform where the public can learn about its activities and find information and data about SPD’s policies and practices. The website should:

- Serve as a comprehensive resource for community members interested in oversight of the SPD.
- Be maintained by Commission staff, in partnership with members of the Commission, and be updated regularly.
- Include clear guidance for filing complaints and commendations, and directions for obtaining assistance from the Commission.
- Include an anonymized database of complaints and commendations filed about individual SPD officers, and the status of those filings, without identifying individual officers and in compliance with their privacy, employment, and due process rights.
- Include general information and statistics about the operations of SPD and the Commission itself.
- Be translated to serve the different linguistic communities of Somerville.

²⁶ See Appendix I, Public Reporting and Transparency.

The Commission should hold regular public meetings, compliant with the Massachusetts Open Meeting Law, that are open to and easily accessible by the community.

- These meetings should be held at least four times per year and take place at different locations around the City to ensure that all members of the community have the ability to attend.
- The Commission should use these meetings to update the public about its activities, and the Commission should also set aside sufficient time to receive input from members of the community and to engage in meaningful dialogue and deliberation related to that input.
- Meetings should be structured with designated time for public comments, questions, and suggestions. To further enhance accessibility, some meetings should be held in person and others should be held online.
- Minutes should be taken by staff at every meeting, should identify key discussion points and action items, and these minutes should be promptly published on the Commission's website.

In line with Massachusetts' Open Meeting Law (OML), the Commission should have the authority to go into executive session and restrict attendance when confidentiality is required. For example, the Commission may decide to go into executive session for the following reasons:²⁷

- "To discuss the complaints or charges brought against, a public officer, employee, staff member or individual"
- "To investigate charges of criminal misconduct or to consider the filing of criminal complaints"
- "To meet or confer with a mediator [...] with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity."

"... the Commission should seek to make as much of its activity and decision-making transparent to the public as possible..."

In entering executive session, the Commission will necessarily be required to follow all the relevant provisions of the OML, including starting all meetings in open session, entering executive session by a majority roll call vote, stating the purpose of the session, announcing whether the open session will reconvene, and maintaining accurate records. In general the Commission should seek to make as much of its activity and decision-making transparent to the public as possible, consistent with its legal obligations.²⁸

²⁷ The full text of the Open Meeting Law (G.L. c. 30A, §§18-25) is available at <https://www.mass.gov/the-open-meeting-law>.

²⁸ See Appendix IV for the specific circumstances in which a public body can enter executive session.

The Commission should provide multiple methods for residents to contact them in order to submit complaints, ask questions, or provide feedback:

- To make it easier to contact the Commission, contact information for the Commission (website URL, phone number, and email address) should be posted on every marked law enforcement vehicle.
- Information should also be visibly placed in public areas within City Hall and SPD facilities, and prominently on the City and SPD websites.
- As discussed in the Assistance and Community Support section, the Board should be notified about every complaint about the police submitted to the City, whether through 311 or the SPD's own complaint intake, provided the complainant has been advised in advance the complaint may be referred to the Board and the names of victims and witnesses are redacted and/or withheld when required by applicable law.
- The Commission should use feedback surveys, both online and in print, to gauge public satisfaction with the oversight process and generate suggestions for improvement.
- The Commission can hire contractors, in collaboration with the City's Department of Information Technology and Department of Communications, to administer surveys and analyze data. The results should be made public via the Commission's website, public meetings, and annual reports, while individual responses will remain confidential. The Commission should consult with other City departments to ensure the process is comprehensive and effective.

The question of whether SPD will adopt body-worn cameras is under active discussion. There is significant debate about the effectiveness of body-worn cameras, but a recent review study found that they tend to reduce complaints against officers.²⁹ As an entity accessible to and led by community members, the Commission could help address concerns about governance of such footage. If the City does adopt body-worn cameras, the Commission should share authority over management of the footage. In general, the Commission should have access to all video and audio footage obtained by the police, to the extent permitted by law and collective bargaining obligations, and have the discretion to release such footage when it determines that such disclosure is necessary for and consistent with its mission.³⁰

²⁹ See C. Lum et al. (2020) "Body-Worn Cameras' Effects on Police Officers and Citizen Behavior: A Systematic Review." Campbell Systematic Reviews. Available at <https://doi.org/10.1002/cl2.1112>.

³⁰ The Commission should consult with the City's Legal Department and the SPD about any such disclosure.

Alternative Dispute Resolution

Work constructively to resolve issues using voluntary approaches when possible.

Acknowledging that discipline is not the only way to build trust and accountability in law enforcement, the Commission should also offer community members options for Alternative Dispute Resolution (“ADR”). These options would help fill several gaps in the traditional complaint process:

- Some complaints will not rise to the level of misconduct that warrants a POST or Professional Standards investigation, or might not be upheld after an investigation, but still represent an underlying issue that would benefit from resolution.
- Some complaints might be upheld, but discipline may not be the only or the most effective approach for resolving the issue.
- Most complaints focus on individuals, but resolving them may not address broader issues that affect the wider community.

For these reasons, the Commission should provide options for voluntary mediation and/or reconciliation between the public and law enforcement. These methods could be pursued before, after, or in parallel with the traditional complaint resolution process, at the discretion of the board. However, unlike investigative and disciplinary processes, these alternatives should only be pursued when parties on both sides of the complaint voluntarily choose to participate.³¹

Alternatives like mediation and reconciliation cannot replace a robust investigative and disciplinary process. But the Commission can choose to encourage parties to engage in ADR for a variety of reasons:

- ADR is voluntary, so all parties will have control over their involvement and maintain their autonomy and rights.

³¹ The City of Somerville should also carry out any and all collective bargaining obligations related to creating an alternative dispute resolution process.

- ADR can provide solutions that may not be available through traditional legal processes.
- ADR can be more efficient than a full investigation, allowing a swift resolution where both parties are heard.

ADR should be conducted by a neutral, trained mediator, facilitating discussions between the law enforcement officer under investigation, the complaining party, and relevant stakeholders. The mediator could be an external professional hired by the Commission or a member of the Commission with appropriate training.³² The process should be entirely voluntary, confidential, and aim to create a cooperative environment for open communication. Through active listening, joint sessions, and private caucuses, participants can work towards mutually acceptable resolutions, with the mediator assisting in drafting agreements and ensuring follow-up for implementation.

The success of the process relies on the willingness of all parties to engage constructively.

“The [ADR] process should be entirely voluntary, confidential, and aim to create a cooperative environment for open communication.”

If a mutually acceptable resolution is not reached, the case may revert to traditional investigative and adjudicative processes, if it has not already gone through such processes already. Repeated failures to resolve situations should prompt reflection and reevaluation of the ADR process itself to enhance the likelihood of successful resolutions in future cases.

³² The Community Dispute Settlement Center in Cambridge is an example of a local entity that could provide mediators or help train Commissioners. The Commission might also arrange for training for community volunteers who could then serve as mediators at the discretion of the Commission.

Policy and Practice Improvement

Improve police policies and practices and address systemic problems.

The relationship between law enforcement and the public is shaped by both policies (explicit rules and structures) and practices (patterns of behavior and conduct that may not be embedded in explicit rules). In some cases, potential issues with policies and practices may not be identifiable from any single complaint. Similarly, a single complaint may involve an idiosyncratic occurrence that is not evidence of issues with policies and practices. For example, an officer being rude to a community member could be an isolated incident. But it could also indicate a systemic problem with behavior, training, or procedures.

The Commission should have the authority to review existing police department policies and practices.³³ Meaningful and effective oversight requires that the Commission be able to look beyond individual allegations of misconduct to identify broader issues with how law enforcement carries out its mission. As NACOLE emphasizes, this kind of wider analysis is “critical”:

*“Performing analyses of law enforcement policies and patterns in practice may be among the most critical functions a civilian oversight agency can perform. [...] By performing data-driven and evidence-based analyses of specific issues, oversight agencies can pinpoint areas of concern and formulate recommendations for improvement.”*³⁴

Policy and practice review is also crucial to address implicit bias. Implicit bias refers to the unconscious attitudes or stereotypes that influence an individual’s understanding, actions, and decisions. It can play a significant role in shaping the behavior of law enforcement officers and their interactions with community members.³⁵ Implicit bias is challenging because it is subtle and may not be overtly reflected in policies or procedures.

³³ The Somerville Police Department is certified and accredited by the Massachusetts Police Accreditation Commission. To maintain that status, SPD is required to adhere to that organization’s best practice policy provisions. In carrying out its review functions the Public Safety Oversight Commission should recognize and support the SPD’s goal of maintaining certification and accreditation whenever possible.

³⁴ See Appendix I, Policy and Patterns in Practice Analysis.

³⁵ Police officers are not unique in this regard: implicit bias is a factor in many areas of life, including healthcare, education, and other parts of the criminal justice system. For a broader discussion of the science on implicit bias and strategies to reduce it, see A. Greenwald et al. (2022) “Implicit-Bias Remedies: Treating Discriminatory Bias as a Public-Health Problem.” *Psychological Science in the Public Interest*, 23(1), pp. 7–40. Available at <https://journals.sagepub.com/doi/pdf/10.1177/15291006211070781>.

Civilian oversight of police is often reactive rather than proactive, responding to incidents rather than working to prevent them. But the Commission should also be free to recommend changes to improve service provision without an inciting incident (and make future incidents less likely). Drawing on its public outreach efforts to generate ideas, and its access to police data and decision-makers, the Commission should be in a unique position to propose improvements to police policies and practices.

“Civilian oversight of police is often reactive rather than proactive, responding to incidents rather than working to prevent them.”

Following any review, the Commission should have the authority to recommend changes to existing policies and practices.³⁶ These recommendations should be submitted in writing to the Chief of Police, the Mayor, and the City Council. The Chief of Police should be required to submit a written update to the Commission within 30 days regarding their consideration of these recommendations. This is in line with NACOLE principles:

“To hold the overseen law enforcement agency’s executives accountable, timely, written responses to the oversight agency’s recommendations should be required and made public.”³⁷

In addition, if the Chief of Police declines to follow the recommendations after 90 days, the Commission should be empowered to require them to appear before the Commission to justify their decision and respond to the Commission’s questions about the decision. This authority should be exercised carefully, and in most circumstances, we anticipate that the Commission will work collaboratively with SPD to improve policies and practices.

The Commission should also be able to participate in SPD policy development. Whenever the Somerville Police Department is considering changes to existing policies or creating new policies, the Commission should receive written notification of those planned changes. In many (and perhaps most) cases changes are likely to be minor and no further action by the Commission will be required. But when it determines that further oversight is necessary, the Commission should be allowed to send staff or a Commissioner to participate in the policy development process.

The board should also have the authority to make recommendations to the Mayor and City Council for improving public safety generally in Somerville. These recommendations could include, but are not limited to questions of staffing policy, budgetary allocations, and City ordinances.

³⁶ In making these recommendations, the Commission should always make due consideration for the ongoing commitment of the department to retain its certification and accreditation and abide by collective bargaining agreements.

³⁷ See Appendix I, Policy and Patterns in Practice Analysis.

Accountability

Backstopping

Investigate and recommend discipline when other bodies fail or need assistance.

As discussed in the Introduction, there are already multiple existing processes for investigating complaints against Somerville law enforcement, including the Massachusetts Peace Officer Standards and Training Commission (POST), the District Attorney's Office, and SPD's Professional Standards office. Ideally, these processes should be sufficient for handling misconduct allegations. In particular, POST has the authority to suspend or cancel the certification of law enforcement officers, temporarily or permanently preventing them from continuing to serve in the state of Massachusetts. But conditions may not always be ideal.³⁸ **As a failsafe, we recommend that the Commission have power to launch its own backup investigations when circumstances require:**

- If another body refers a case directly to the Commission for investigation. POST, for example, has the authority to “refer 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.”³⁹ The Commission will not always be the “appropriate” local authority, but having the capacity to investigate independently means POST has an additional option for local referrals, alongside SPD's Professional Standards Division.
- If another body has investigated, but the Commission has reason to believe that the investigation was seriously flawed or significant new evidence has come to light. This should be rare, and the Commission should not choose to revisit a closed investigation without serious consideration.

³⁸ POST has significant resources and authority, but given its broad mandate to oversee the discipline for every police officer in the state, its relatively recent creation, and the work of creating a new organization, it may have limited capacity to fully investigate all non-frivolous complaints. A similar limitation faces the District Attorney, who is not Somerville-specific and also has to work with the police on regular investigations. Finally, the Professional Standards office is specific to Somerville but is part of the Department itself, which may limit the extent to which people are willing to make use of that office.

³⁹ Mass. Gen. Laws ch. 6E, §3. Available at <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6E/Section3>.

- If another body declines to investigate a complaint that the Commission believes is worth investigating. This should be rare, but may occur in “edge cases” where the seriousness of the offense is just near the threshold requiring investigation. It might also occur if future budgets and caseloads leave other bodies without the necessary resources to deal with all cases that come their way. The Commission should also make sure to consider alternative dispute resolution options first.
- If the Commission requires independent fact-finding in order to carry out its other missions, particularly its duty to review policies and practices. This should be rare, since its powers of data access should allow the Commission to learn from investigations by other bodies.

Assuming that POST continues to function as designed, the Commission may never need to employ its investigative powers. As mentioned above, POST has the authority to decertify officers so they can no longer serve. The Commission is not intended to launch frequent independent investigations, but only to do so as a last resort, when other bodies’ action or inaction requires it.

Accordingly, we do not recommend that the Commission keep a permanent investigator on staff from the beginning, but hire a trained, professional investigator to deal with particular cases when they arise.⁴⁰ The investigator should interview relevant parties, assess credibility, and provide a summary of findings. The Commission may delegate its powers of information access to the investigator where needed. Any investigative process must respect the due process rights of everyone involved, including implicated SPD officers, including the right to counsel and to testify at hearings.⁴¹

Once the investigation is complete, the Commission should review the findings and issue its own report based on those findings. The report should be shared directly with the complainant and released to the public (though it may be appropriate for parts of the report to be anonymized to protect identities as necessary). Any officers who are found to be responsible for misconduct should be identified in the report, along with details of the misconduct. The board should also forward the report and its findings to relevant bodies, including the Mayor, City Council, Chief of Police, and the Somerville Police Professional Standards Division. The report can also be sent to the POST Commission, the District Attorney, and other bodies when appropriate.

⁴⁰ This may require a special set-aside in the budget, reserved for potential investigations.

⁴¹ See Appendix IV for a more detailed discussion of the rights of individuals to participation in deliberations which concern them.

The reports can include recommendations for changes in policies and practices, or discipline for particular officers. Unlike POST, civil service rules and collective bargaining agreements would currently prevent the Commission from making binding disciplinary decisions. As long as such rules and agreements remain in force, **the Commission should be empowered to make non-binding disciplinary recommendations, including recommendations for dismissal.**

The Chief of Police should be required to inform the Commission within 30 days of receiving the report whether they plan to adopt the disciplinary recommendations within. This is in line with NACOLE's principles:

“Legislation establishing civilian oversight should require that law enforcement agencies provide timely, written, and public responses detailing why a particular recommendation was either accepted or rejected.”⁴²

“The reports can include recommendations for changes in policies and practices, or discipline for particular officers.”

If they decide not to adopt the disciplinary recommendations in full, they should be required to appear before a public meeting of the Commission within 90 days to explain their decision and respond to questions from the Commission about their reasoning. This provision should help ensure that disciplinary recommendations, even if non-binding, are still given due consideration by SPD leadership.

After the Commission has been created, we propose that the City of Somerville begin negotiating a provision in future police contracts to make some or all of the Commission's disciplinary recommendations non-arbitrable, and to reform its civil service rules to allow the Commission a role in discipline. Changing civil service rules and collective bargaining agreements is likely to be a lengthy and uncertain process, which is why we do not recommend holding up the creation of the Commission until this issue is resolved. It also may be easier to make disciplinary recommendations binding once the Commission has established a track record of responsible and successful operation.

⁴² See Appendix I, Access to Law Enforcement Executives and Internal Affairs Staff.

HOW SHOULD A PUBLIC SAFETY OVERSIGHT COMMISSION WORK?



Structure and Appointments

In order to build trust, it is crucial that the Commission be an independent body, appointed by the City’s democratically elected representatives but not subordinate to them or to SPD. As NACOLE emphasizes:

*“One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency.”*⁴³

The Task Force proposes the following structure, appointment procedure, and eligibility criteria.⁴⁴

The structure of the board should be as follows:

- The Commission should have 9 members. An odd number is important to prevent ties, and a relatively large body helps include a variety of perspectives and guard against attrition.
- The normal term for a Commissioner should be 3 years. Terms should be staggered so that 3 Commissioners are appointed each year. This ensures that in the normal course of events the Commission always has experienced members, and never turns over entirely in one year.
- To initiate the staggered terms when the Commission is created, 3 members should have 4 year terms, 3 should have 3 year terms, and 3 should have 2 year terms.
- Commissioners should elect one of their number annually to serve as Chair.

⁴³ See Appendix I, Independence.

⁴⁴ These recommendations for structure and appointments are informed by expert consultations, academic literature, and an extensive review and comparative analysis of existing civilian police oversight models from jurisdictions in Massachusetts, including Cambridge and Boston, and various other cities across the nation, including Providence, New York, Chicago, and Minneapolis, to name a few. For more resources, see T. Prenzler & C. Ronken (2001). “Models of police oversight: A critique.” *Policing and Society: An International Journal*, 11(2), 151-180; T. Zastroy & D.S. Rudes (2022). Civilian oversight of police in the United States. In *Oxford Research Encyclopedia of Criminology and Criminal Justice*; K. King (2015). “Effectively implementing civilian oversight boards to ensure police accountability and strengthen police-community relations.” *Hastings Race & Poverty LJ*, 12, 91. For more information on particular cities’ oversight boards, see https://www.nacole.org/police_oversight_by_jurisdiction_usa.

- Five Commissioners should constitute a quorum to carry out business.

- Members should receive a stipend for their service commensurate with the number of hours of service they are expected to provide. This is important to ensure that Somerville community members with low or moderate incomes are not prevented from serving for economic reasons.

- Members should receive training to carry out their roles, both a significant initial training after appointment and continuing follow-up training in subsequent years. Training should cover the legal, ethical, procedural, and interpersonal skills required for the role, including civil rights, police procedures, conflict resolution, and cultural competency. See the section on Training below for more detail.

“Six Commissioners should be appointed by the City Council and three should be appointed by the Mayor.”

Commissioners should be appointed using the following procedures:

- Six Commissioners should be appointed by the City Council and three should be appointed by the Mayor.
- When Commissioners are appointed on the regular three-year cycle, two should be appointed by the Council and one should be appointed by the Mayor.
- When a Commissioner leaves, the same authority (City Council or Mayor) that appointed that member should choose their replacement.
- Commissioners should be subject to removal for serious misconduct, ethics violations, or nonperformance of their duties as Commissioners. Commissioners who fail to attend at least half of the Commission’s meetings should be subject to automatic removal. Otherwise removal should require both:
 - a majority vote of the City Council, and
 - a majority vote of the non-implicated Commissioners.
- If either appointing authority (City Council or Mayor) leaves a seat vacant for 6 months or more, the other appointing authority should be allowed to make appointments to that seat. Once the appointee’s term is over, their replacement should be made by the authority that ought to have filled the seat originally.

Eligibility criteria for Commissioners should be as follows:

- Commissioners should have a reputation for fairness and professionalism.
- Commissioners should be expected to adhere to the NACOLE Code of Ethics during their terms.⁴⁵
- Whenever appointments are made, the resulting Commission should include a majority of members who live or work in Somerville. Changing residence or work away from Somerville during a term of appointment should not require resignation, however, provided the Commissioner is still within commuting distance of the City.
- Commissioners should not currently be or have previously been police department employees in Somerville or elsewhere. Commissioners who gain employment in a police department after their appointment to the Commission should be required to resign their seat.⁴⁶
- Commissioners should be required to publicly disclose their professional, personal, or familial ties to law enforcement prior to appointment, and update this disclosure annually.
- Commissioners should be eligible for reappointment, contingent on regular attendance at Commission meetings and satisfactory performance of their roles. There should be a minimum number of meetings Commissioners must attend to continue in their position.⁴⁷
- The Commission should develop a recusal procedure for cases in which Commissioners may have a conflict of interest.⁴⁸

⁴⁵ See Appendix II.

⁴⁶ The Task Force's recommendation that current and former police employees, namely sworn personnel, be excluded from the board is consistent with the practices of many existing civilian oversight boards, including in New York City, Boston, Minneapolis, Chicago, Albuquerque, and Berkeley, just to name a few. However, some of these jurisdictions, like New York City, have more relaxed policies regarding the inclusion of former police officers or including officers for specific cases. Our recommendation is also informed by the broader academic literature on civilian oversight, which generally indicates that the exclusion of individuals with direct ties to law enforcement is essential for ensuring the independence, legitimacy, and overall effectiveness of oversight bodies. See V.D. Keyes & L. Keyes (2023). "A scoping review of police civilian oversight literature 1992–2022." *Policing: An International Journal*, 46(4), 601–622; T. Prenzler (2000). "Civilian oversight of police." *British Journal of Criminology*, 40(4), 659–674; F.V. Ferdik et al. (2013). "Citizen oversight in the United States and Canada: An overview." *Police Practice and Research: An International Journal*, 14(2), 104–116. Although the literature encourages excluding individuals with police ties, it also acknowledges that there are some advantages to including these individuals on the board. Taking a balanced approach, we propose involving officers in an advisory role, allowing them to provide expert insights without granting them the same authority as non-police members

⁴⁷ This provision should help ensure that neither the Mayor nor the City Council can unilaterally prevent the Commission from operating by failing to make appointments.

⁴⁸ This procedure should also apply to the Police Liaisons discussed in the "Support Personnel" section.

Commissioners must meet the highest standards of ethical behavior. As NACOLE underscores:

*“Effective civilian oversight must function with the same integrity, professionalism, and ethical standards it expects from and promotes for law enforcement.”*⁴⁹

The membership of the Commission should reflect the diversity of Somerville’s community, especially parts of our community that have been historically marginalized. To that end, for every round of appointments the Mayor and City Council should solicit nominations from community groups with an interest in police oversight, including groups representing historically marginalized populations. The Mayor and Council are not obligated to choose only individuals nominated by these groups, but those nominees must be given reasonable consideration to ensure the board includes diverse ideas, lived experiences, and perspectives. The nominations process should also be open to the public at large, and the Commission’s own outreach should spread awareness that the public can nominate future members. As NACOLE highlights:

*“Without sufficient involvement of those most interested in and impacted by local issues regarding law enforcement, it is unlikely that civilian oversight will be able to successfully accomplish its goals.”*⁵⁰

After its creation, the Commission itself should assist with recruitment through the community outreach efforts it should already be undertaking as part of its Awareness and Transparency function. Strategies could include establishing partnerships with community groups, including racial-ethnic minorities, youth associations, educational institutions, LGBTQ+ organizations, and immigrant advocacy organizations to encourage a diverse pool of applicants.⁵¹ These entities can help with identifying potential board members who are representative of the community’s diversity and committed to the principles of police oversight generally and specific to this Commission. The Commission should also consider local media/social media campaigns and holding information sessions in various Somerville neighborhoods.

The Commission should also include members with professional experience with the policing and judicial system, for example as public defenders, criminologists, academics, or other experts on criminal justice. While not all Commissioners need to have such experience, the history of similar bodies elsewhere suggests that having members with subject-relevant professional backgrounds is crucial.

Whenever Commissioners are appointed, the City Council and the Mayor should each issue statements documenting the process by which they solicited nominations and steps they took to ensure the membership of the Commission reflects the diversity of the Somerville community and the expertise necessary for the effective functioning of the Board.

⁵⁰ See Appendix I, Community Involvement.

⁵¹ For example, groups like the Center for Teen Empowerment, Wayside Youth & Family Support Network, or Somerville’s Teen Centers could nominate people they think would help represent the perspective of youth. Groups like The Welcome Project could help nominate people they think would represent immigrant perspectives.

Support Personnel

Executive Director

NACOLE also highlights the importance of trained, experienced staff support to help oversight bodies achieve their mission:

“[C]ivilian oversight agencies must have the resources to retain experienced professional staff.”⁵²

The Commission should be supported by at least one staff member, an Executive Director (ED) employed by the City of Somerville. The Executive Director should:

- Provide logistical assistance to the Commission in carrying out its functions, taking administrative responsibility for all five of the Commission’s five missions.
- Support the Commission’s internal operations, helping to schedule and set up meetings, keeping Commissioners updated about their duties, coordinating training, etc.
- Be the first point of contact for people filing complaints directly to the Commission or asking the Commission to assist with issues related to the Commission’s purview.
- Assist the Commission in communicating with other City and state departments and officials.
- Aid in promoting the Commission to the public to raise public awareness of the Commission’s duties and activities.

The ideal candidate will have relevant subject-matter expertise and experience working within a municipal government or similar organization. The Executive Director should be responsible to the Commission, and the Commission should have final hiring and firing authority over them, and be able to replace them with a vote of no confidence. If staff were accountable to another City body, it would compromise the independence of the Commission.

In addition to the Executive Director, the Commission should have the authority and budget to hire other contractors as needed, such as investigators, mediation experts, or data analysts.

⁵² See Appendix I, Adequate Funding and Operational Resources.

Police Liaisons

While current or former police department employees cannot serve as Commissioners, and the Commission must be wholly independent of SPD, the Commission must be able to communicate and coordinate with SPD to carry out its mission. As NACOLE highlights:

“The effectiveness of civilian oversight can hinge on an agency’s ability to effectively communicate with law enforcement officials regarding matters of concern identified throughout the course of the oversight agency’s work. Sustained dialogue and communication between law enforcement and oversight stakeholders promotes cooperation and ensures that those involved can develop mutual understanding and support for each other’s role in promoting greater accountability.”⁵³

To this end, we recommend that the Commission be supported by two Police Liaisons:

- The two police liaisons should be appointed by the Chief of Police from among either current or former law enforcement officers. One liaison should be drawn from patrol officers, and one should be drawn from superior officers.
- The liaisons are not intended to be members of the Commission, and should not receive the assigned powers of Commissioners.
- The role of the liaisons should be to provide support to the Commission by providing information and expertise regarding law enforcement in Somerville.
- As with Commissioners, liaisons should also be required to recuse themselves from cases where they cannot reasonably be expected to act impartially.
- The Commission should be able to require the replacement of either police liaison through a vote of no confidence.

“The two police liaisons should be appointed by the Chief of Police from among either current or former law enforcement officers.”

⁵³ See Appendix I, Access to Law Enforcement Executives and Internal Affairs Staff.

Powers and Responsibilities

As NACOLE emphasizes, it is crucial for oversight bodies to have clearly defined responsibilities and powers:

“An agency that is not given sufficient authority and jurisdiction to perform its mission simply cannot be effective. While there is no “best” oversight model for all contexts, stakeholders must ensure that the level of authority an oversight agency has in relation to its core oversight functions permits the agency to successfully perform its duties to the greatest degree possible and without limitation.”⁵⁴

This section summarizes recommendations that are described in more detail earlier in the report.

To fulfill its mission, the Commission should:

- Receive any and all complaints about Somerville public safety, both those submitted directly and those submitted through other channels.
- Launch and maintain accessible complaint intake and handling systems.
- Provide technical and administrative support to complainants, and help liaise between complainants and other bodies.
- Gather information from the public on issues, priorities, and opportunities for law enforcement.
- Offer and manage alternative dispute resolution methods, before, during, or after other complaint resolution processes have been completed.
- Review SPD policies and practices, including budgets and budgetary decisions.
- Launch investigations and potentially make disciplinary recommendations when a case is referred to the Commission by POST, or if other bodies have failed to handle a case appropriately.

⁵⁴ See Appendix I, Clearly Defined and Adequate Jurisdiction and Authority.

- Maintain an archive of all complaints received, with a history of action on complaints by the Commission or other bodies, and maintain such archive in a manner that preserves the privacy rights of the complainants, victims, and witnesses involved in such complaints.
- Hold public meetings and solicit feedback from the public.
- Publish the minutes of its meetings and an easily accessible record of all of its findings and determinations. It should also publish as many details of its complaint handling as is consistent with confidentiality requirements, and do so promptly so that citizens can see its work as soon as possible.
- Issue regular reports, at least annually, covering the activities it has undertaken and how complaints, commendations, and ideas submitted to it have been handled.
- Advertise its functions and partner with community groups to spread awareness of its work.

In addition to these responsibilities, the Commission needs the power to:

- Exercise discretion over its own operations.
- Select, hire, manage, and dismiss staff and contractors, including (but not limited to) investigators, professionals in alternative dispute resolution, and data analysts.
- Access all SPD data, records, and procedures, to the fullest extent permitted by the law, due process rights, and collective bargaining agreements. This includes audio and video footage from body-worn cameras and other sources.
- Release data, records, and footage when necessary to fulfill the Commission's mission, subject to applicable laws covering the removal of personally identifiable information.
- Issue subpoenas for both testimony and records relevant to its functions.⁵⁵
- Make recommendations for changes in SPD policies and practices.
- Make disciplinary recommendations.⁵⁶
- Enter executive session when necessary, in accordance with the Open Meeting Law. See Appendix IV for more information on this process.

⁵⁵ See Appendix III.

⁵⁶ While the City Charter and union contracts may initially prevent these from being binding or final disciplinary decisions, the City should work towards making the disciplinary recommendations of the Commission mandatory and non-arbitrable in the future.

All the activities and powers of the Commission must be consistent with state and federal law. In carrying out its responsibilities, the Commission should always make due consideration for the ongoing commitment of the department to retain its certification and accreditation and abide by collective bargaining agreements.

Carrying out these responsibilities and exercising these powers will require sustained support from the City Budget. While specific budgetary estimates are beyond the scope of this Task Force, we encourage those implementing the Commission to heed the following NACOLE principle:

“Allocating sufficient resources to civilian oversight is a crucial determinant to effectiveness. To ensure that work is being performed thoroughly, timely, and at a high level of competency, adequate resources are necessary.”⁵⁷

Training

It is crucial that Commissioners receive thorough training to ensure they fulfill their roles effectively. During the initial creation of the Commission, the Racial and Social Justice Department should coordinate training. After the board is running, the Commission’s staff should take over the coordination of training, in cooperation with RSJ and other relevant City agencies that have particular expertise, like the City Solicitor and the Somerville Police Department.

We anticipate that training will cover topics including, but not limited to:

- The history of policing and oversight in Somerville and Massachusetts more broadly. Commissioners should be familiar with past conflicts to help avoid and deal with future ones.
- Data on the status of public safety, including policing and complaints data and public surveys.
- Handling sensitive data, including confidentiality, information security, and relevant laws and procedures.
- Somerville Police Department structure, leadership operations, strategies, and policies, including its use of force and arrest protocols. Training should also cover the SPD’s policy creation and its certification and accreditation processes.
- The operation of the Massachusetts Peace Officer Standards and Training (POST) Commission.

⁵⁷ See Appendix I, Adequate Funding and Operational Resources.

- Laws governing police conduct and oversight, as well as legal and ethical standards that will inform the Commissioners' own conduct, including the NACOLE Code of Ethics.⁵⁸
- Cultural competency and implicit bias, and their impact on policing and police-community relations.
- Community engagement and media relations.
- The mission, structure, and powers of the Public Safety Oversight Commission itself. After its creation, this should include coverage of key issues the Commission has dealt with previously.

Selected board members could also undergo training in alternative dispute resolution techniques to ensure they are sufficiently skilled to facilitate officer-civilian mediation/reconciliation. And even after Commissioners' initial orientation is complete, subsequent in-service training could help broaden their knowledge and capacities, though the time spent in training for individual Commissioners should decrease after their first year.

External Review

After five years of operation, the City should commission an external review of the Commission's work:

- This review should evaluate whether the model is working as intended, and whether modifications need to be made.
- The City should consult with the National Association for Civilian Oversight of Law Enforcement ("NACOLE") to select an appropriate individual or group to review the Commission's work.
- This review should solicit feedback from community groups with an interest in police oversight, including groups representing historically marginalized populations.
- The review should provide an assessment of the Commission's functioning and offer any recommendations for revising the Commission's work going forward.
- The review report should be made available to the public, and the Mayor and City Council should determine whether to enact any recommendations from that report.
- Before any significant changes are made to the Commission's operation, current Commissioners should be given a chance to review the changes and issue public statements on the proposals.

⁵⁸ See Appendix II.

APPENDICES

Items

I: Thirteen Principles for Effective Oversight

- What makes for effective civilian oversight?
- Independence
- Clearly Defined and Adequate Jurisdiction and Authority
- Unfettered Access to Records and Facilities
- Access to Law Enforcement Executives and Internal Affairs Staff
- Access to Law Enforcement Executives and Internal Affairs Staff
- Full Cooperation
- Sustained Stakeholder Support
- Adequate Funding and Operational Resources
- Public Reporting and Transparency
- Policy and Patterns in Practice Analysis
- Community Outreach
- Community Involvement
- Confidentiality, Anonymity, and Protection from Retaliation
- Procedural Justice and Legitimacy

II: NACOLE Code of Ethics

Appendix I:

Thirteen Principles for Effective Oversight

The rest of the text in this section is reproduced from the National Association for Civilian Oversight of Law Enforcement’s “Thirteen Principles for Effective Oversight” (available at nacole.org/principles), portions of which are also cited in the text.

What makes for effective civilian oversight?

This question has been asked by many oversight practitioners, local officials, and community and law enforcement stakeholders. In terms of oversight models, there is generally no singular “best practice” approach that will guarantee success in every instance. Instead, civilian oversight should be structured according to what is considered to be a “best-fit” for the particular community interested in establishing civilian oversight. Visit this [https://www.nacole.org/models_of_oversight] page to learn more about different models of civilian oversight.

Regardless of the civilian oversight model chosen, there are thirteen general principles that are considered key components of successful civilian oversight. The principles detailed below should be thought of as a matter of degree, and as such, oversight stakeholders should try to maximize the extent to which a civilian oversight agency adheres to these principles.

For more detailed information on the Thirteen Principles for Effective Civilian Oversight, see NACOLE’s “Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Practices.”

Independence

One of the most important and defining concepts of civilian oversight of law enforcement is independence. In its broadest sense, it refers to an absence of real or perceived influence from law enforcement, political actors, and other special interests looking to affect the operations of the civilian oversight agency. In order to maintain legitimacy, an agency must be able to demonstrate the extent and impact of its independence from the overseen law enforcement agency — especially in the face of high-profile issues or incidents.

Clearly Defined and Adequate Jurisdiction and Authority

An oversight agency's jurisdiction and scope of authority are crucial to its success and effectiveness. While expectations regarding civilian oversight can vary significantly, having adequate jurisdiction and authority are fundamental in achieving organizational goals and ensuring the oversight agency can be responsive to communities. An agency that is not given sufficient authority and jurisdiction to perform its mission simply cannot be effective. While there is no "best" oversight model for all contexts, stakeholders must ensure that the level of authority an oversight agency has in relation to its core oversight functions permits the agency to successfully perform its duties to the greatest degree possible and without limitation.

Unfettered Access to Records and Facilities

Unfettered access to the subject law enforcement agency's records is vitally important for effective civilian oversight. The ability to review all records relevant to an investigation or other matters within the scope of a civilian oversight agency's authority in a timely manner is essential to providing effective, informed, and fact-driven oversight. Similarly, agencies performing correctional oversight must have unfettered access to facilities and staff. Without timely and reliable access to department records, information, and facilities, oversight practitioners and volunteers cannot make decisions that meaningfully address areas of concern.

Access to Law Enforcement Executives and Internal Affairs Staff

The effectiveness of civilian oversight can hinge on an agency's ability to effectively communicate with law enforcement officials regarding matters of concern identified throughout the course of the oversight agency's work. Sustained dialogue and communication between law enforcement and oversight stakeholders promotes cooperation and ensures that those involved can develop mutual understanding and support for each other's role in promoting greater accountability. Legislation establishing civilian oversight should require that law enforcement agencies provide timely, written, and public responses detailing why a particular recommendation was either accepted or rejected. These responses are crucial to informing the public of how, if, and why or why not issues identified by the civilian oversight agency will be addressed.

Full Cooperation

In addition to having access to relevant records and department executives, effective civilian oversight requires the full cooperation of all officers and department staff throughout the course of its work. Full cooperation is necessary for conducting thorough investigations and obtaining sufficient information for any work performed by the civilian oversight agency. The conditions of such cooperation must respect due process rights and an individual's constitutional right against self-incrimination. Cooperation with civilian oversight should be a condition of employment for all officers and staff within the agency's jurisdiction.

Sustained Stakeholder Support

Ongoing engagement with and support from stakeholders regarding local public safety and law enforcement-related issues is an important component of effectiveness. An otherwise well-designed civilian oversight mechanism can be undermined over time by a lack of meaningful support from those who can contribute to an agency's success. While establishing and supporting civilian oversight may be politically expedient in times of crisis, successful oversight requires the sustained support and interest of stakeholders who value independence, accountability, and transparency. An agency's ability to maintain this support may be a function of its outreach to those stakeholders. Maintaining productive relationships, even in times where disagreement and conflict may be unavoidable, will be crucial to future problem-solving, cooperation, and collaboration on key issues.

Adequate Funding and Operational Resources

Allocating sufficient resources to civilian oversight is a crucial determinant to effectiveness. To ensure that work is being performed thoroughly, timely, and at a high level of competency, adequate resources are necessary. Political stakeholders must ensure that their support for civilian oversight includes a sustained commitment to provide adequate and necessary resources. Providing adequate funding can signal a commitment to reform that may lead to greater cooperation by law enforcement executives and unions. Similarly, civilian oversight agencies must have the resources to retain experienced professional staff, provide staff and volunteer board or commission members with adequate training on a regular basis, perform community outreach, and disseminate public reports and other outreach materials in order to be effective.

Public Reporting and Transparency

An independent entity bringing transparency to a historically opaque process is a fundamental goal and component of civilian oversight. Civilian oversight provides a unique opportunity for the public to learn about misconduct complaints and other areas of the law enforcement agency that serves the community. As such, issuing regular public reports is critical to an agency's credibility. A civilian oversight agency should, at a minimum, issue one written report to the public each year. Reports should be written in an accessible manner that allows the public to clearly understand the agency's authority, purpose, procedures, and accomplishments. In addition, they should include as much information related to the agency's mandate and operations as can be disclosed by law, including patterns and trends in complaints or discipline, the agency's recommendations and activities for the year, and issues that may be of concern to the public. Sufficiently resourced oversight agencies should seek to produce more frequent reports and, where appropriate, issue special reports on specific matters such as the findings of a particular policy review, audit, or investigation.

Policy and Patterns in Practice Analysis

Performing analyses of law enforcement policies and patterns in practice may be among the most critical functions a civilian oversight agency can perform. Such analyses have great potential to advance the goals of effective civilian oversight by addressing systemic problems of law enforcement agencies and by formulating recommendations that will improve relations with communities. By performing data-driven and evidence-based analyses of specific issues, oversight agencies can pinpoint areas of concern and formulate recommendations for improvement. To hold the overseen law enforcement agency's executives accountable, timely, written responses to the oversight agency's recommendations should be required and made public.

Community Outreach

In many cases, civilian oversight is established amid community calls for greater accountability following a high-profile incident involving local law enforcement. As an institution representing the interests of the local community, conducting outreach to the community and local stakeholders is essential to effective civilian oversight. Outreach enables an oversight agency to build awareness of its existence, share reports and findings with the public, build relationships with stakeholders, recruit volunteers, solicit community input and involvement, facilitate learning and greater understanding, broker improved relationships, build coalitions, and develop a greater capacity for problem-solving. These functions are crucial to an agency's transparency, credibility, responsiveness, accountability, and accessibility, and overall ability to successfully maintain public support and legitimacy.

Community Involvement

Effective civilian oversight requires community involvement. Community and stakeholder input regarding how civilian oversight should function and which accountability issues it should address will result in the creation of a "best fit" oversight system that can meet community needs and expectations. Without sufficient involvement of those most interested in and impacted by local issues regarding law enforcement, it is unlikely that civilian oversight will be able to successfully accomplish its goals.

Confidentiality, Anonymity, and Protection from Retaliation

Effective civilian oversight must function with the same integrity, professionalism, and ethical standards it expects from and promotes for law enforcement. Stakeholders and the community must remain confident that civilian oversight will protect sensitive information as well as those who disclose it. An oversight agency cannot maintain credibility, legitimacy, and public trust if it does not or cannot respect confidentiality agreements, maintain the anonymity of those who wish to share information anonymously, and work towards creating an environment where those involved with or contacting the oversight agency can do so without fear of retaliation or retribution.

Procedural Justice and Legitimacy

Procedural justice and legitimacy should serve as core principles guiding the work and processes of effective civilian oversight. Rooted in behavioral psychology, procedural justice typically centers on how authority is exercised. For entities whose authority is established by law, the recognition of their right to that authority and perceptions of how fairly that authority is exercised are crucial components of legitimacy. Research has shown that procedurally-just interactions between law enforcement and the community positively impact the public's compliance with laws and willingness to assist in crime control efforts. The literature has also shown that officer perceptions of a procedurally-just work environment is associated with reduced misconduct and corruption, as well as greater endorsement of policing reforms, reduced mistrust and cynicism with the community, willingness to obey supervisors, and increased officer well-being. Though the literature on procedural justice and civilian oversight is relatively sparse, there is research supporting the notion that procedurally just complaint processes — where complainants report being satisfied with the quality of communication and the process — increase complainant satisfaction.

Appendix II:

NACOLE Code of Ethics

The text in this section is reproduced from the National Association for Civilian Oversight of Law Enforcement’s “Code of Ethics” (available at https://www.nacole.org/nacole_code_of_ethics).

Preamble

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and to the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

Personal Integrity

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

Independent and Thorough Oversight

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional or political consequences.

Transparency and Confidentiality

Conduct oversight activities openly and transparently providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

Respectful and Unbiased Treatment

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

Outreach and Relationships with Stakeholders

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialog with your stakeholders. Educate and learn from the community.

Agency Self-examination and Commitment to Policy Review

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

Professional Excellence

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

Primary Obligation to the Community

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

Appendix III:

Subpoena Power

Legal Foundation

The Task Force emphasizes the importance of granting the Somerville police oversight commission subpoena power to ensure it is fully capable of carrying out its duties, including investigation of complaints, review of policies and practices, and more. Subpoena power can include a range of options, but it typically entails the power to compel a person or organization to provide information to a litigant or tribunal. Depending on the scope of one's subpoena power, which is typically set forth in rule or law (e.g. state law, local ordinance, or court rules), the information can come in the form of documents, testimony, electronically stored information, tangible things, or an inspection of premises. If testimony is to be provided, a date and time is usually set forth in the subpoena, and if documents or data are sought, a deadline for providing them (usually 30-45 days) is included in the subpoena. In the courts, these standards are all set forth in court rules (e.g., Mass. R. Civ. P. 45).

State law grants City Councils and other municipal committees the power to issue subpoenas (G.L. c. 233, § 8), and the Courts are empowered under state law to issue the rules of civil procedure, which authorize clerks to issue subpoenas (Mass. R. Civ. P. 45).

While municipal boards and committees, such as a police oversight commission, can obtain subpoena power through ordinance, the lawfulness of the ordinance and grant of subpoena power depends on whether they are consistent with other state laws that may be implicated and the due process rights of those that may be subjected to a subpoena.

Boston Model

Subpoena power exists for the Boston police oversight entity, the Boston Office of Police Accountability and Transparency (OPAT), through OPAT's authorizing ordinance.

The Office of Police Accountability and Transparency (OPAT) is independent from the Boston Police Department. It was created to investigate complaints of police misconduct, ensure that the Boston Police Department's internal affairs review process is fair and thorough, and review Boston Police Department's existing and proposed policies and procedures. The three-member Office of Police Accountability and Transparency Commission provides oversight for a Staff that carries out investigations and other day to day activities. In the course of conducting investigations, the OPAT Staff may request that the OPAT Commission issue a subpoena for any testimony or

records, documents, papers, books or other evidence related to any matter under investigation, which the OPAT Staff determines it cannot otherwise obtain. Approval requires that two of three commissioners agree with the request. Additionally, within the OPAT, a board known as the “Civilian Review Board” or “CRB,” is charged with reviewing and investigating certain complaints against the Boston Police Department and its employees. That work is undertaken by OPAT staff.

Appendix IV:

Open Meeting Law

Selections from Section 21 of G.L. c. 30A, §§18-25:

(a) A public body may meet in executive session only for the following purposes:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that: (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session

Appendix V:

Tufts Survey Summary

The text in this section is reproduced from the executive summary of B. Schaffner et al. (2021). "How Residents View Policing in Somerville." Tufts University. Available at <https://tufts.app.box.com/v/tisch-somerville-report>.

Overall, Somerville residents are somewhat satisfied with policing, but they also recognize clear inequalities in how different types of residents are treated and there is clear support for certain reforms, including the creation of a Civilian Review Board. During October and November, 2020 we surveyed a random sample of more than 600 Somerville residents to understand their experiences with and views towards the Somerville police.

- About one-in-four Somerville residents report having had at least one negative experience with the Somerville police. Just under half of Somerville residents have had at least one positive experience involving the Somerville police.
- About half of Somerville residents are satisfied with the Somerville police and 79% say that the Somerville police make them feel somewhat or mostly safe. This is relatively consistent with national surveys on policing.
- However, we find more dissatisfaction among residents of color. One-fifth of Somerville residents of color are dissatisfied with the police and nearly 30% say that the Somerville police make them feel unsafe.
- Somerville residents perceive inequalities in how residents are treated based on race/ethnicity. While 80% of Somerville residents think that the Somerville police treat white residents somewhat or very fairly, less than 50% say that the Somerville police treat Black or Hispanic residents fairly.

- These perceptions can have important consequences. For example, more than one-third of Somerville residents of color did not indicate that they would feel comfortable calling the Somerville police if they needed help.
- There is overwhelming support among Somerville residents for the creation of a Civilian Review Board to oversee policing. 81% of residents want to see the creation of such a board and only 6% are opposed.
- A clear majority of Somerville residents believe that social workers rather than police should respond to incidents involving mental health crises, homeless individuals, neighbor disputes, and intoxicated individuals.
- A majority of Somerville residents think the police should not be allowed to use a variety of tactics, including choke holds (7% support), tear gas (18%), rubber bullets (25%), impact weapons (29%), and firearms (31%).

Appendix VI: Methods

The creation of the Civilian Oversight Task Force is described in the Introduction. After its creation, the Task Force took the following steps to develop its recommendations. More information on the Task Force and its activity can be found at <https://www.somervillema.gov/content/civilian-oversight>.

Community Engagement

Community feedback was collected from Somerville residents who attended publicly advertised community listening sessions through (i) direct responses to curated questions (see below) and (ii) answers to an online survey. The questions asked at the listening sessions and posed on the online survey were intended to gauge how Somerville residents view the need for civilian oversight of the Somerville Police Department and how they want an oversight board to operate. Two of the listening sessions were held over Zoom and one was held in person.

Listening session questions were refined in order to better garner specific details of what residents imagine a Civilian Oversight Board to encompass including its power and influence, level of involvement, and transparency. Data from the surveys and notes of each listening session were analyzed for recurring key themes and feedback highlights in effort to assess the specifics of what residents are looking for.

The Task Force sent out newsletters to the Somerville community and posted on the City's website and social media regarding the three public listening sessions that were being offered. To appeal to the largest possible audience two virtual sessions (one in the afternoon, and one in the evening) were offered as well as one in person session. The sessions were one hour long to hear from community members directly about their thoughts on civilian oversight. At the sessions the following questions were asked to residents:

- Are you supportive of increased oversight of the Somerville Police Department and why?
- What power or authority would you like a Civilian Oversight Board in Somerville to have?
- Many civilian oversight boards seek input from law enforcement. What level of involvement, if any, do you believe law enforcement professionals should have on a Somerville Civilian Oversight Board?
- What level of transparency and accountability do you want to see from a Civilian Oversight Board in Somerville when a complaint against an Officer is made?

During these listening sessions, the following key themes emerged:

- Somerville residents are overwhelmingly supportive of increased oversight of the Somerville Police Department, which is consistent with recent survey data.
- Residents were in favor of including law enforcement professionals on a Civilian Oversight Board for their expertise but only if there are no conflicts of interests, meaning no current or former Somerville Police officers should serve on the Board
- A Civilian Oversight Board in Somerville should have actual power and authority to ensure action is taken when appropriate and to share relevant information with the community, including a summary of aggregated data of all complaints made, active investigations, and a detailed summary of validated complaints.
- When a complaint is filed with the oversight body, the privacy concerns of the complainant of top importance and police officers involved should be identified along with the findings and punishment when a complaint is validated.

Building on the community engagement work, the Task Force took note of the complexity and nuanced sensitivity required to complete its mission successfully. Considering the dynamic nature of police-community relations and the specific and diverse needs of Somervillians, a nuanced and inclusive approach was imperative. As such, our process was designed to integrate a diverse range of perspectives, including legal, academic, community, and police viewpoints.

The Task Force sought to root its recommendations in inclusivity, transparency, and evidence-based decision-making. To this end, we engaged in a series of structured activities, including regular meetings, consultations with subject matter experts, and a comprehensive review of relevant literature. We aimed to ensure that all procedural steps were shaped by available evidence and reflected the residents' desires and concerns.

Drawing on preliminary and subsequent discussions, the Task Force recognized that our mission was not simply to draft an oversight model but to develop a framework that promotes police accountability, community trust, and constructive engagement between the Somerville Police Department and members of the community.

To that end, we were committed to recommending a novel and adaptable model that could address current and future police-community challenges. The systematic approach we employed to complete this task is detailed below.

Meetings and Trainings

From mid-2023 through mid-2024, the Task Force met regularly, structuring its work to maximize efficiency and inclusivity and ensure a comprehensive search and analysis of various oversight models and strategies. The focus of each meeting was designed to cover distinct aspects of the proposed oversight model. Early meetings were centered on understanding the task and establishing a collective framework for completing the assignment. Moreover, a significant amount of time from these early meetings was dedicated to discussing knowledge gained from reviewing relevant literature and existing state and national practices in civilian oversight. These guided discussions about our collective review served as a framework for identifying pitfalls and applicable practices to inform our development of an appropriate oversight board for the City of Somerville.

Subsequent meetings included detailed discussions about the board's structure, the extent of its authority, and its operational functions. At the heart of these discussions was the goal of proposing an oversight model that complements, rather than duplicates, the existing work of POST. Alongside the power to investigate and recommend discipline, we emphasize listening to the community, supporting community members navigating the complaints process, monitoring and sharing data on police activity, providing alternative methods for dispute resolution, and reviewing policies and practices to make improvements.

These meetings served as a platform for open and critical dialogue among Task Force members. These sometimes challenging discussions, some ending with non-closure, moved us toward a tailored, comprehensive, and adaptable oversight board for Somerville. Members of the Task Force also attended meetings and consulted with academic experts, representatives of existing oversight bodies, police unions, and legal experts. Task Force members also underwent extensive training covering areas like police history in Somerville, trauma awareness, and legal and policy frameworks. Additionally, hands-on experiences such as police ride-alongs and police simulator training were valuable in this process. These activities provided rich insights that shaped our approach and underpinned our recommendations.

Search and Review

The Task Force conducted a broad review of academic literature and a detailed analysis of existing oversight models and practices within Massachusetts and nationally. Our focus centered on understanding the structures, strengths, and weaknesses of these models and the legal frameworks they operate within. To gain a localized perspective, we included case studies and historical data, assessing the impact of civilian oversight on the respective communities. This comprehensive approach was essential for understanding and contextualizing official police data and empirical research related to Somerville. It provided a foundation insight into the various approaches to civilian police oversight. Specifically, we explored the scope and legal limitations of implementation in the City. Our analysis proactively identified potential obstacles and informed the development of a dynamic and adaptable oversight board. We assured that the proposed board was not only legally fitting but also rooted in evidence-based practices attuned to the unique needs of Somerville and the realities of police work and adaptable to the dynamic nature of police-community relations.

Drafting Process

The Task Force's drafting process was iterative and collaborative, focused on producing comprehensive, thoughtful, and reflective recommendations that emerged from inclusive dialogue and informed by diverse perspectives. Initially, we created a preliminary draft of the oversight model, detailing its structure, authority, functions, and community interaction. After formulating the preliminary recommendations, the Task Force held a meeting to ensure unanimous endorsement from all members. Subsequently, the preliminary draft was shared with RSJ to gather their feedback. Their input highlighted potential overlaps with POST, revealed gaps, and pointed out impracticalities in the initial recommendations. Following this initial round of feedback, Task Force provided a public update, keeping the community abreast of our progress.

Moreover, the Task Force held meetings after this round of feedback to discuss the input from RSJ, leading to a thorough draft revision. After careful internal deliberations and critical evaluation of the revised draft-ensuring its appropriateness, practicability, and implementability, the Task Force met in person for a real-time, comprehensive review of the recommendation by all members, adding a layer of constructive scrutiny and validation of the proposed model. Following the presentation and based on the insightful feedback received, the Task Force made further revisions to fine-tune the recommendations. This refinement process occurred on a shared document, allowing other COTF members to review and make final suggestions.

After this extensive and collaborative process, including multiple rounds of revisions and validation from the entire Task Force, final review meetings for the Task Force were convened. These meetings served as the forum for discussion about the final version of the recommendations, allowing members to collectively review and affirm the recommendations before its publication. It allowed for a real-time, comprehensive review of the recommendations by all Task Force members. This last step added a layer of constructive scrutiny and validation of the recommendations, ensuring the proposed model was aligned with the overall objectives of the Task Force and fitting for the community's diverse needs.

Appendix V:

Timeline Activity

Priority of Basic Functions for the Civilian Oversight Review Board:

- #1.** Community Listening and Support
- #2.** Policy and Practice Improvement
- #3.** Alternative Dispute Resolution
- #4.** Data Access and Transparency
- #5.** Accountability Backstopping

Proposed Implementation Timeline for the Somerville Civilian Oversight Task Force Recommendations

Months 1-3

- Mayor's office and City Council craft originating ordinance
- City staff begin to design the initial training program for commissioners, in consultation with SPD

Month 4

- Mayor's office and City Council pass originating ordinance
- City advertises for Executive Director job
- The City begins search for commissioners
- SPD Chief begins search for police liaison candidates
- The City provides an update to the community which outlines next steps but also creates space for feedback from the community.

Month 5

- Mayor and City Council appoint commissioners
- Commissioner training begins

Month 6

- Commission interviews and hires Executive Directors
- Executive Director starts work on building out Commission functions, focusing first on Community Listening and Support and Data Access and Transparency
- Commissioner training continues, now under supervision of Executive Director

Month 7

- Commission advertises for mediators
- Commission starts building website
- Commission starts establishing its own procedures, especially for complaint and data handling

Month 8

- Commission launches website
- Commission settles procedures for complaint and data handling
- Commission begins to prepare for first public operation, including preparing its Alternative Dispute Resolution procedures

Month 9

- Commission holds first public meeting
- Public meetings help the community get access to data and help foster greater transparency
- Commission begins to accept public complaints

Month 10-11

- Commission focuses on handling initial complaints well

Month 12

- Commission holds second public meeting
- Public meetings help the community get access to data and help foster greater transparency
- Commission starts exercising its Policy and Practice Improvement function
- Launch of Alternative Dispute Resolution

Month 13

- Commission starts sharing police data through its website
- Commission begins working with City, SPD, and Police Unions to negotiate terms of Accountability Backstopping function