

To: Arlington Select Board  
From: Laura Gitelson and Susan Ryan-Vollmar, Co-Chairs, Civilian Police Advisory Board Study Committee  
Date: February 17, 2022  
Re: Warrant Article hearing on proposed Bylaw Amendment/Civilian Police Advisory Commission

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We are writing to provide you with background information and reference material in advance of your warrant article hearing on Wednesday, February 23, 2022. This memo outlines the charge given to the Civilian Police Advisory Board Study Committee (the Study Committee) by the 2020 Town Meeting and the process by which the Study Committee fulfilled that charge. It concludes with key findings from the Study Committee's work. These key findings are the foundation for the Study Committee's strong recommendation to the 2022 Town Meeting that a permanent Civilian Police Advisory Commission be created in Arlington to provide opportunities to increase trust between residents—particularly, though not solely, those who belong to historically marginalized groups—and police.

Over 11 months, beginning on March 18, 2021, the Study Committee met 16 times. Between October 27 and November 17, 2021, the Study Committee held 14 listening sessions with residents and town employees to solicit feedback on interactions (positive, negative, and/or neutral) with Arlington police. Throughout the month of November 2021, the Study Committee collected feedback from residents via an online Google form. The Study Committee Co-Chairs and Clerk met with members of Police Chief Julie Flaherty's command staff, as well as the presidents of both police unions.

The Study Committee drew six key findings from this work:

- The Arlington Police Department is professional, proactive, and conducts its business in accordance with the principles of 21st-century policing.
- Some residents who are BIPOC, LGTBQIA+, and/or living with a disability and who experience negative interactions with Arlington police are deeply reluctant to report those experiences to police.
- The official process for sharing complaints and/or commendations about resident interactions with police does not meet the needs of all residents.
- Feedback collected during the listening sessions with residents was overwhelmingly positive toward Arlington police with the stipulation that trust needs to be improved between residents and police.
- Feedback given to the Study Committee Co-Chairs following the listening session held for town employees indicates that some town employees, particularly those who also reside in Arlington, do not feel comfortable offering constructive criticism of Arlington police in public.
- Permanent civilian advisory boards created with local needs in mind can be a powerful tool for building and sustaining trust between residents and police.

Based on these key findings, the Study Committee unanimously voted on November 15, 2021 to recommend to Town Meeting that alternative mechanisms for residents to file complaints regarding police interactions be created. On December 7, 2021 the Study Committee voted 11-1 to recommend to Town Meeting that a permanent Civilian Police Advisory Commission be created. Following those votes, the Study Committee drew upon its new knowledge to create a document outlining the duties and responsibilities of a proposed Civilian Police Advisory Commission. The Study Committee worked closely with Town Counsel Doug Heim to turn this document into a proposed bylaw for the Select Board's consideration. Those bylaws are appended to this memo.

Additionally, you will also find the following information appended to this memo after the proposed bylaws:

- Police Chief Julie Flaherty's letter to Town Meeting attesting to the thoroughness of the Study Committee's work and supporting its recommendations
- DEI Director Jill Harvey's letter to Town Meeting attesting to the thoroughness of the Study Committee's work and supporting its recommendations
- DEI Director Jill Harvey's October 9, 2021 memo to the Study Committee about her experiences working with town residents as they navigated the current complaints/commendations process for the Arlington Police Department

In soliciting feedback for the proposed bylaws governing the creation of a Civilian Police Advisory Commission, the Study Committee received many questions about the process outlined for selecting prospective members for the Civilian Police Advisory Commission. You may have similar questions so we will address them here.

The proposed bylaw language recommends a nominating process among town commissions for finding prospective members of the Civilian Police Advisory Commission. This process mirrors the one created by the Select Board to populate the Study Committee. As a result of that process, the Study Committee enjoyed representation from people who are historically marginalized and do not often lead municipal efforts to improve public policy. Such people include those who are BIPOC, LGBTQIA+, and/or living with disabilities. Additionally, all members of the Study Committee brought a range of professional skills to this work including experience in criminal law, labor law, engineering, mental and behavioral health, and communications. We strongly believe that this rich diversity of personal and professional experience is the primary reason why the Study Committee was able to work so effectively and efficiently studying the complicated issue of civilian oversight of law enforcement over a relatively short period of time.

## **CHARGE FROM TOWN MEETING**

The Study Committee was created by the 2020 Town Meeting with the following charge:

A. The Study Committee shall study the creation of alternative mechanisms for civilians to file complaints regarding police interactions, considering the various models including a police civilian review board independent from the police department with the authority and resources to receive and investigate complaints. Said committee shall also review police services, examine the experience of comparable communities, and consider the impact of the pending legislation.

B. The Study Committee shall report its findings and any recommendations to the 2022 Annual Meeting, any earlier Annual or Special Town Meeting, and/or other appropriate administrative, management or elected or appointed officials.

## **PROCESS FOR FULFILLING CHARGE**

### **Learning the issues**

Over 11 months, beginning on March 18, 2021, the Study Committee met 16 times. In the first few months, Study Committee members worked individually or in pairs to study relevant issues and report findings back to the full Study Committee. In an effort to understand important, relevant issues in more depth, the Study Committee also invited outside experts and town staff to present to the Study Committee on the following issues:

- history and best practices of civilian oversight of law enforcement
- how existing civilian boards in Massachusetts work in practice
- how the state's new criminal justice law (the JEAL Act) will affect civilian oversight boards
- Arlington Police Department policies and procedures related to investigating complaints from residents
- how the Arlington Human Rights Commission handles information from residents related to negative interactions with Arlington police
- the ways in which any authority given to a town commission would potentially impact current employment practices

### **Outside experts:**

- Pittsfield Police Chief Michael Wynn. Pittsfield is one of four municipalities in Massachusetts with a Civilian Oversight Board and Chief Wynn is one of Governor Charlie Baker's three appointees to the Massachusetts Peace Officer Standards and Training Commission, known as the POST Commission, which was created as part of the state's new public safety law.
- Brian Corr, executive secretary for Cambridge's Police Review and Advisory Board and member of the leadership of the National Association for Civilian

Oversight of Law Enforcement. Corr consults with municipalities around the country on how to build trust between residents and law enforcement.

**Town experts:**

- Police Chief Julie Flaherty
- Director of Diversity, Equity and Inclusion Jill Harvey
- Town Counsel Doug Heim
- Deputy Town Manager Sandy Pooler
- Director of Human Resources Caryn Malloy

**Soliciting feedback from town residents and employees**

- Between October 27 and November 17, 2021, the Study Committee held 14 listening sessions with residents and town employees to solicit feedback on interactions (positive, negative, and/or neutral) with Arlington police as well as feedback from residents on the Study Committee's work. Four of these sessions were open to all residents. One session was held for town employees. The remaining sessions were held for students and parents, residents of public housing, and residents who are BIPOC, LGBTQIA+, living in public housing, living with disabilities, members of faith communities, veterans, and/or immigrants/refugees.
- Throughout the month of November 2021, the Study Committee collected feedback from residents via an online Google form that included an option for providing feedback confidentially.

**Soliciting feedback from Arlington law enforcement**

- The Study Committee Co-Chairs and Clerk met with members of Chief Flaherty's command staff, Captain Sean Kiernan and Captain Richard Flynn, as well as the president of the Ranking Officers Association, Lt. Greg Flavin, and the president of the Officers Association, Officer Neil Simard.

**KEY FINDINGS**

**The Arlington Police Department (APD) is professional and proactive.** APD is one of just 103 of the more than 450 law enforcement agencies in Massachusetts that is accredited by the Massachusetts Police Accreditation Commission. Successful accreditation is a significant achievement and considered to be a measure of best practices in policing. APD routinely partners with community-based organizations to provide safety education to residents and hear community members' concerns. APD's long-running Citizens Police Academy fosters deep community engagement between officers and residents. Additionally, APD has launched and/or joined a number of campaigns and initiatives to increase public safety and build community trust. In 2021, APD signed on to the NYU School of Law Policing Project [30X30 Campaign](#), which is a pledge to have women account for 30 percent of the APD's sworn staff by the year 2030. In

2020, just weeks after the murder of George Floyd by a police officer, the “8 Can’t Wait” campaign launched. The campaign urges police departments to adopt eight policy proposals that have been shown to reduce use of force during police interactions with civilians. APD had already adopted seven of the eight policies and within days had [adopted the eighth](#), making it the only law enforcement agency in the state to have adopted all eight. In 2018, APD was one of just 14 law enforcement agencies nationwide selected by the [Council of State Governments Justice Center to be a Law Enforcement Mental Health Learning Site](#). In that capacity, APD provides resources, guidance and materials for other police agencies across the country that are developing or growing a Police-Mental Health Collaboration approach, such as a crisis intervention team or co-response team, to more effectively respond to people with mental health concerns. In 2015, APD launched the Opiate Outreach Initiative which aims to provide a public health response to people who are at-risk for and/or have already survived an overdose. In 2010, APD launched its Jail Diversion Program to provide alternatives to arrest, booking, and jail detention for people who come into contact with police and have behavioral health needs.

**Some residents who are BIPOC, LGTBQIA+, and/or living with a disability and who experience negative interactions with Arlington police are deeply reluctant to report those experiences to police.** From three different sources (Arlington's [DEI Director Jill Harvey](#), the representative on the Study Committee from the the Arlington Human Rights Commission, and through stories shared by residents in our listening sessions) the Study Committee learned that residents who are reluctant to report negative interactions with law enforcement to the police are almost always those who belong to historically marginalized groups.

The following story, shared with the Study Committee, is illustrative: A resident who is a lesbian and in her 70s shared that when her wife was dying, her wife’s medical condition would sometimes cause her to fall to the floor from a standing or seated position. The resident was unable to lift her wife back up on her own so she would call 911 for assistance. Sometimes police were sent in response, sometimes the fire department was sent in response, and sometimes both departments were sent. One time when an individual police officer responded, he initially refused to help the wife get back up. He instead badgered the woman asking her why she was refusing to get up and demanding that she get up on her own. Both the resident and her wife were powerless to intervene. They had to wait until the officer stopped badgering the wife and agreed to help her get back up. The resident never considered filing a complaint because she knew she was going to have to continue calling 911 for assistance with her wife and she did not want to risk retaliation from the officer in question or from other officers. Going forward, when the resident called 911, she specified that she was not experiencing an emergency and that she would prefer that the fire department respond to the call even if it meant she would need to wait longer for a response. Of note, this same resident also shared a moving story of how Arlington police responded when her father-in-law died, staying with surviving family members for hours and following up in later days.

**The official process for sharing complaints and/or commendations about resident interactions with police does not meet the needs of all residents.** Currently, the ways to file a complaint about a police interaction is by calling the department, visiting the department in

person, or sending a letter ([official forms are available for download](#)). There is no option available for filing a complaint confidentially. In the absence of this option, an ad hoc process has developed over the years by which residents, who do not feel comfortable bringing their complaints directly to the police, have sought assistance instead from the Arlington Human Rights Commission which tries to assist these individuals with their concerns within the limits of the Commission's authority. Since 2020, when the town hired a Director of Diversity, Equity, and Inclusion, residents have occasionally brought their complaints directly to that office.

**Feedback collected during the listening sessions with residents was overwhelmingly positive toward Arlington police with the stipulation that trust needs to be improved between residents and police.** Nearly everyone who provided feedback during the sessions for residents mentioned a desire for improved communication and trust between residents and police. A number of residents expressed a strong desire that action be taken to improve things, with that action being the creation of a permanent Civilian Police Advisory Board. These sentiments were also reflected in the written feedback provided via the Google form as the representative samples provided below show:

- “I would like our town’s families and students to feel that members of the Police are allies, not adversaries.”
- “Establish a process [for filing complaints about interactions with police] that is fair, equitable, and outside the influence of favoritism or retaliation.”
- “One of my top priorities of a Police Civilian Review Board would be ensuring that folk who typically are fearful of police or who don’t believe that the police have their best interested [*sic*] in mind will start to feel differently because of the existence of a Police Civilian Review Board.”
- “I hope that any solution builds a partnering model rather than an adversarial one—one can have independence without an adversarial mindset.”
- “I think most cops in Arlington are good hearted people. I would like to see more diversity on the force, though.”

**Feedback given to the Study Committee Co-Chairs following the listening session held for town employees indicates that some town employees, especially those who also reside in Arlington, do not feel comfortable offering constructive criticism of Arlington police in public.** The listening session held for town employees was well attended, with approximately 50 employees logging onto the Zoom, including members of the police department. The most vocal voices in the town employee group repeated the refrain that they did not want to see Arlington pursue “a local solution to a national problem.” After the meeting, the Study Committee Co-Chairs heard from a town employee who attended the meeting and did not speak, as they originally intended to, because they felt too intimidated to do so in front of police. This employee reported that they had discussed the matter with other town employees afterward who also shared their disappointment at not feeling as if they could speak freely. A second town employee, who did speak during the meeting of the need for more humility to be shown by police in their non-emergency interactions with residents, also followed up with correspondence to the Study Committee Co-Chairs. In the note, the employee said that while

they sympathized with police department employees who might be uncomfortable with public scrutiny, it was the town employee's belief that police should welcome public scrutiny given that police have the authority to wear a badge, carry a gun, and employ both to take away a resident's liberty. This employee also added that "many Town employees who were on the call and did not speak at the time told me afterward and via Zoom chat that they 100% shared my sentiments."

**Permanent civilian advisory boards created with local needs in mind can be a powerful tool for building and sustaining trust between residents and police.** During their presentations to the Study Committee, Pittsfield Police Chief Michael Wynn and Brian Corr, the executive secretary for Cambridge's Police Review and Advisory Board and the immediate past president of the National Association for Civilian Oversight of Law Enforcement, each separately emphasized the ways in which Civilian Police Advisory Boards can be a powerful tool in building trust between residents and police. Chief Wynn recounted his efforts over many years to get Pittsfield's political leaders to back the creation of a civilian advisory board. The political will to create such a group did not coalesce until 2018 when a Pittsfield resident experiencing a mental health crisis was fatally shot by Pittsfield police. A commission was created relatively quickly after the shooting, and Wynn reported that the Commission has become an important way for him to collaborate with members of the public on matters of police policy. He also reported that he learns valuable information about public concerns. Brian Corr shared similar sentiments during his presentation to the Study Committee and shared how such civilian boards can become an important voice for people who live in neighborhoods and/or belong to groups that have been simultaneously under-protected and over-policed by law enforcement such as people who are BIPOC, LGBTQIA+, and/or living with a disability. Corr noted that this dynamic played out in urban, suburban, and rural communities as well as municipalities of all sizes. Corr also emphasized the importance of understanding current needs among residents and prioritizing them in any proposed solution.

## **IMPORTANT ACKNOWLEDGEMENTS**

The work required to make an informed recommendation to Town Meeting was not insignificant and the time given to do so was short—the Study Committee has been working together for just 11 months. As Co-Chairs, we are incredibly grateful for the contributions made by each member of the Study Committee, who studied the complex issue of civilian oversight of law enforcement and applied this knowledge to the needs of Arlington.

Police Chief Julie Flaherty was an indispensable partner to the Study Committee. She explained police procedure, made seemingly unintelligible police jargon easy to understand, and ensured that the Study Committee received all of the documents it requested relating to arrest, citation, use of force, and officer complaints and commendations data. She was incredibly generous with her time, knowledge, wisdom, and insight. Her thoughtful participation in our meetings with guest experts in policing and civilian oversight of law enforcement brought the conversation to

places we would not have gotten to otherwise, yielding valuable information that has been incorporated into the Study Committee's final recommendations.

Director of Diversity, Equity and Inclusion Jill Harvey made the Study Committee's work possible. First, it is hard to imagine how we could have convened the numerous small group conversations held with residents on the sensitive topic of resident-police engagement without the foundational work completed by Director Harvey over the past few years in holding community conversations on issues of race, policing, and other highly charged topics. The information shared by Director Harvey about her work with residents who have experienced difficult interactions with Arlington police was invaluable to the Study Committee's understanding of the strengths of the current complaints process as well as areas where that process could be improved.

The Study Committee would have never gotten started without the support of Town Counsel Doug Heim. His early presentation on how the state's new criminal justice law (commonly referred to as the JEAL Act) might overlap with civilian oversight functions was illuminating and likely saved the Study Committee weeks of work. His valued counsel ranged from suggestions of how to organize our work to how to navigate the Town Meeting warrant process. His edits and suggestions to the proposed bylaws to create a Civilian Police Advisory Board vastly improved the document.

The Study Committee also benefited from the expertise of Deputy Town Manager Sandy Pooler and Director of Human Resources Caryn Malloy who provided important information on the collective bargaining process and how it might intersect with the duties of a Civilian Police Advisory Commission. All town staff who worked with the Study Committee provided support that was consistent in its excellence and we are grateful for the talent and expertise of Arlington's public servants.



**Proposed bylaw language from the Study Committee governing the creation of a Civilian Police Advisory Commission (approved via vote by the Study Committee on February 15, 2022)**

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**VOTED:** That Title II of the Town Bylaws (“Committees and Commissions”) be and hereby is amended by inserting a new article to provide for the creation of the Arlington Civilian Police Advisory Commission under Article 15 as follows:

**Article 15: Arlington Civilian Police Advisory Commission**

**Section 1. Arlington Civilian Police Advisory Commission Established**

There is hereby established an Arlington Civilian Police Advisory Commission, charged with serving as a civilian resource and forum for Arlington residents and visitors and members of the public, the Arlington Police Department, and other appropriate Town personnel.

**Section 2. Purpose**

The purpose of the Arlington Civilian Police Advisory Commission is to provide an opportunity for increased understanding and trust between the community and the Arlington Police Department, assist members of the public as a resource in the event they have complaints or concerns about policing in Arlington or specific police personnel, and to provide the Arlington Police Department and Town management with a public forum for feedback about police personnel, policies, procedures and data.

**Section 3. Commission Composition, Eligibility, Qualification & Terms**

**A. Appointment of the Commission**

The Commission shall consist of nine (9) members, appointed by the Town Manager. To be considered for appointment members shall be nominated by the following public bodies, persons, or community entities:

1. One (1) member nominated by the Arlington Human Rights Commission;
2. One (1) member nominated by the LGBTQIA+ Rainbow Commission;
3. One (1) member nominated by the Disability Commission;
4. One (1) member nominated by the Board of Youth Services;
5. One (1) member nominated by the Envision Arlington Diversity Task Group co-chairs;
6. One (1) member nominated by the Council on Aging;

7. **One (1) member nominated by the Menotomy Manor Tenants Association;  
and**
8. **Two (2) members nominated by the Select Board**

**The Manager shall notify the above “nominating bodies” of vacancies and expiring terms. If any nominating body fails to act upon a notification from the Manager within ninety (90) days or in the event a nominating body is inactive, the Manager may request the Select Board to make a nomination in their place.**

**B. Eligibility to Serve**

1. **All members of the Commission shall be Arlington Residents and as a total body, shall reflect racial, ethnic, gender, sexual, age, and other forms of diversity in Arlington. Additionally, the Town Manager shall appoint at least one member respectively with experience in following areas:**
  - a. **Criminal defense or civil rights relative to police searches, arrests, or detainments;**
  - b. **Data Analysis; and**
  - c. **Working with underserved communities such as, but not limited to social workers, mental health counselors, or civil forms of legal aid.**
2. **The following persons are not eligible to serve on the Commission:**
  - a. **Current employees of the Town;**
  - b. **Current or former law enforcement officers whether in Arlington or elsewhere;**
  - c. **Immediate family members of current or former Arlington Police Department employees.**

**C. Qualifications for Service**

1. **In addition to all other requirements for appointment on the Commission under the general laws of the Commonwealth, members must receive initial and continuing training in the following subjects:**
  - a. **Arlington Police Department complaint and discipline procedures;**
  - b. **Arlington Police Department policy and operations;**
  - c. **Relevant State Laws regarding law enforcement accountability including “An Act Relative to Justice, Equity and Accountability in Law Enforcement;”**

- d. **Filing civilian complaints and commendations about police conduct with the Commonwealth of Massachusetts and the Arlington Police Department;**
      - e. **Data handling and privacy;**
      - f. **Analysis of policing data;**
      - g. **Other topics the Commission deems relevant**
  2. **Commission members, as deemed appropriate by the Commission may also be required to participate in the Citizen Police Academy when offered, and participate in Arlington Police Department ride-along opportunities at intervals established by the Commission.**
  3. **The Commission shall affix a reasonable period of time for appointed members to complete initial and follow-up training. Failure to meet training requirements within such period shall be grounds for removal.**
  4. **The original Commission appointees shall be deemed qualified upon completion of requirements for all committees and commissions under the laws of the Commonwealth, and be afforded a reasonable time period to establish and complete training requirements for the Commission consistent with foregoing.**

**D. Initial & Subsequent Terms**

**Member terms shall be for three (3) years, except that initial appointment terms of members shall be staggered such that three (3) initial appointees shall serve a one (1) year term; three (3) a two (2) year term; and three (3) a three (3) year term as designated by the Town Manager.**

**Members shall serve until their successors have completed training and been sworn in to service.**

**E. Removal of Members**

**At the request of the Manager, members may be removed for cause by a vote of the nominating body.**

**Section 3. Administration and Operation**

**The Arlington Civilian Police Advisory Commission shall not meet or conduct business without the presence of a quorum, which shall require a majority of the members of the Commission at any given time. The Commission shall approve its actions by majority vote of the quorum, but in no event shall action be approved by fewer than 4 members.**

**Section 4. Duties and Responsibilities**

## **A. General Duty**

**It shall be the duty of the Arlington Civilian Police Advisory Commission to serve as qualified advisors to the general public, the Arlington Police Department, and other Town staff with respect to policing in Arlington from a civilian perspective. The Commission shall serve as a technical resource for persons wishing to file specific complaints against or commendations of Arlington Police Department personnel, a forum for both positive and negative feedback about police conduct and policy in Arlington, and collaboratively engage the Arlington Police Department in its development or revision of police policies.**

## **B. Specific Responsibilities**

**To fulfill its duties, the Commission shall specifically be charged with:**

- 1. Establishing a process for community members to provide information about police interactions, both positive and negative, to the commission anonymously and non-anonymously;**
- 2. Guiding community members through the civilian complaint or commendation process, including:**
  - a. Providing education to a community member about options for filing complaints and commendations about police conduct;**
  - b. Providing complaint and commendation forms to a community member;**
  - c. Connecting a community member with appropriate town officials and committees;**
  - d. Accompanying a community member to meetings**
  - e. Following up with both the APD and the community member on any resultant investigation;**
  - f. Providing periodic updates to a community member;**
  - g. Collecting information about a community member's satisfaction with complaint processes'**
  - h. However, at no point in time shall Commission members individually or as a public body provide legal advice or representation, mental health counseling, or social services advocacy to community members engaging commission members for the purpose of filing complaints;**
- 3. Working with the Arlington Police Department to regularly publish and analyze data which can offer insight into the quality and effectiveness of the department, especially in its interactions with the public, including but not limited to:**

- a. Complaints, including their nature, status and disposition;
  - b. Police use of force incidents, including all use of firearms;
  - c. Vehicle pursuits and traffic collisions;
  - d. Injuries and deaths in custody;
  - e. Stops, searches, citations and arrests, including demographic data;
  - f. Civil lawsuits and other claims brought against the town or department
  - g. Database of training; and
  - h. Database of awards and commendations;
4. Regularly reviewing Arlington Police Department complaint, investigation, and discipline policies and procedures, comparing them with the latest practices in other communities locally and nationally;
  5. Regularly reviewing other Arlington Police Department policies and procedures, especially new or changing policies, and make recommendations to the Chief of Police, Town Manager, and the public;
  6. Regularly reviewing the by-law creating this commission and make recommendations to Town Meeting;
  7. Providing a yearly report to Town Meeting covering the work and findings of the commission as well as priorities for the upcoming year; and
  8. Providing education to the public about policing and the Arlington Police Department, their options for filing complaints and commendations, the complaint process and the various data they are charged with analyzing.

**Section 5. Effective Date**

**Following Town Meeting approval of this bylaw, this Title shall take effect upon the approval by the Attorney General of the Commonwealth and compliance with bylaw advertising and notice requirements.**

# ARLINGTON POLICE DEPARTMENT

**JULIANN FLAHERTY**  
Chief of Police



*Town of Arlington*  
MASSACHUSETTS 02474

**POLICE HEADQUARTERS**  
112 Mystic Street  
781-316-3900

February 15, 2022

Dear Town Meeting Members,

I am writing this letter in support of the recommendations made by the Civilian Police Advisory Study Committee. The committee has worked tirelessly over the past year to study and develop the best model for a civilian advisory board that will foster a more trusting relationship between community members and the Arlington Police Department. I would like to thank each committee member for their dedication, passion and thoughtfulness and I would also like to thank all community members who participated in the committee meetings and discussions.

At APD, we pride ourselves on providing our community members with professional, respectful and equitable services. We are committed to continuous progress, building partnerships and working with our community members to enhance the safety, security and well-being of all community members. The recommendations made by the committee will assist us in furthering our mission.

I am grateful that I have had the opportunity to work on this committee as a non-voting member and I look forward to working with a civilian advisory board that will be formed based on the recommendations of the study committee.

Respectfully,

A handwritten signature in blue ink that reads "Juliann Flaherty". The signature is written in a cursive style.

Juliann Flaherty  
Chief of Police



Town of Arlington  
Diversity, Equity & Inclusion Division  
Department of Health and Human Services

27 Maple Street  
Arlington, MA 02476

Tel: (781) 316-3250  
Fax: (781) 316-3175

To: 2022 Town Meeting  
From: Jillian Harvey, PCABS Study Committee Member, DEI Division Director  
Date: 14 February, 2022  
Re: Civilian Police Advisory Board Study Committee Letter of Support

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I am writing to you to express my gratitude and support for the work that the Civilian Police Advisory Board Study Committee has conducted over the last 12 months. I am impressed by the passion, tenacity and thoughtfulness that the Study Committee has exemplified in every step it has taken to fulfill the charge it was given from Town Meeting.

The Study Committee was strategic in its process of approaching its charge—which included in depth conversation about the interpretation of exactly what the Study Committee should and should not be focused on. Time and effort went into collecting information to properly inform the group's thinking, individuals volunteered to research specific topic areas and bring their findings back to the full group, and outside experts in the field of civilian oversight of law enforcement were invited to present to the Study Committee on relevant topics.

The Study Committee gained insight from Pittsfield Police Chief Michael Wynn, who established and works with a civilian review board in Pittsfield, but also is an appointee to the POST Commission. The Study Committee also heard from Brian Corr, the Executive Secretary of the Police Review and Advisory Board for the City of Cambridge and a leadership member of the National Association for Civilian Oversight of Law Enforcement who consults with municipalities across the country on ways to build stronger relationships between civilians and law enforcement. I also had the opportunity to share with the Study Committee my experiences working with the police department and handling complaints from community members. I am appreciative that after careful consideration, discussion and deliberation, the Study Committee voted to adopt the recommendations I offered to improve the current complaint/com commendation process for our community members and police department.

The Study Committee also sought input from residents and employees of Arlington, and this outreach was vital to the process the group established. I applaud the efforts the Study Committee took to reach historically underrepresented groups within the Arlington community including residents who are BIPOC, LGBTQIA+, veterans, living with disabilities, living in public housing, and students and parents. Numerous focus groups were held, open public meetings focused on soliciting feedback were held, a survey was available to community members as well, and members of the group made themselves available to talk with anyone who was interested in sharing additional information in one-on-one settings. I am confident that community concerns and suggestions have been incorporated into the recommendations that the Study Committee will present to Town Meeting.

As the Director of Diversity, Equity and Inclusion, I support the recommendations the Study Committee will put forth to Town Meeting, and I believe that the Study Committee has prioritized

the town of Arlington's diverse needs in crafting the warrant article and their recommendations. Please contact me if you have any additional questions or concerns.

Best,

A handwritten signature in black ink that reads "Jillian Harvey". The signature is written in a cursive, flowing style.

Jillian Harvey

Diversity, Equity & Inclusion Division Director

[jharvey@town.arlington.ma.us](mailto:jharvey@town.arlington.ma.us)





**Town of Arlington  
Civilian Police Advisory Board  
Study Committee**

TO: All Committee Members  
FROM: Jillian Harvey, Member, DEI Division Director  
DATE: 9 October , 2021

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I was originally scheduled to discuss my experiences supporting town residents through the process of filing complaints about their interactions with police during the Wednesday, October 13, 2021 meeting of the Civilian Police Advisory Board Study Committee. Unfortunately, I will need to leave the Wednesday meeting early in order to attend the Select Board meeting in time for its discussion of the town's reprecincting process. So I have prepared this memo for your review in advance of your meeting and hope to answer any questions you may have in the short time we have together on Wednesday.

To date, I have assisted two town residents, both Black, in bringing their complaints about experiences they had with Arlington police to the attention of Police Chief Julie Flaherty. Based on these experiences, each of which consumed many hours of work time over several weeks, I have formed opinions about the seriousness with which the Arlington Police Department takes complaints from residents, the areas in which Arlington's processes are particularly strong, and the areas in which Arlington's processes could be improved for the benefit of both residents and police. As these ideas relate directly to the committee's charge to "consider alternative ways for residents to file complaints about police interactions," I will share them with you in this memo.

But first I would like to briefly outline both incidents for you.

My first experience with a resident who had a complaint about their interactions with Arlington police occurred within my first month as Arlington's Director of Diversity, Equity and Inclusion. Not only was the job new to me, but the position was also a first for Arlington, which had never before employed anyone whose sole responsibility would be handling matters of diversity, equity and inclusion regarding race, ethnicity, language, ability, sexual orientation, gender identity, and religion in town business and town life. So when I received this complaint, I had no prior knowledge or understanding of how such complaints are handled, or what my role should be in the process. As I worked with this resident, I truly played the role of a neutral third party.

The resident was advised by a neighbor to contact the Arlington Human Rights Commission (AHRC) about their experience with an Arlington police officer who had responded to a 911 call made by the resident because of a neighbor. The resident did

not want to complain directly to police because they had a fear of police officers based on prior experiences they had had with police in other jurisdictions.

My office number is publicly listed for residents who wish to call AHRC, the Disability Commission, and the LGBTQIA+ Rainbow Commission. So when this resident called AHRC, I am the person who picked up. This initial phone call lasted well over an hour. During our call, the resident shared what had happened, their belief that the responding officer had treated them disrespectfully because of their race, their prior experiences with police and why they did not trust police, and their concerns about how the dispute with the neighbor would play out given they felt the police was siding with the neighbor.

After speaking with the resident, I was in touch with Chief Flaherty to talk about what to do next, because I did not know what options were available for the resident to file a complaint or what options were available for resolving the complaint.

Chief Flaherty offered to meet with the resident. I set that meeting up and also attended, at the resident's request. This meeting was originally scheduled for 30 minutes but lasted two hours. During that time, Chief Flaherty explained options for filing a complaint, but mostly listened to the resident, who ultimately expressed their gratitude for the opportunity to not just share their concerns directly with the Chief of Police, but to also have them taken seriously by the town's Chief of Police.

After that first, in-person meeting, during which the Chief and I did our best to make the resident feel comfortable, the resident seemed more open about putting some trust in the process. I believe this occurred due to the initial efforts that had been made to help the resident feel safe in talking with Chief Flaherty given the resident's existing fear of police.

The next step in this process was to assign a commissioner from AHRC to this case, as that is the protocol AHRC follows when a resident reports an incident of bias, regardless of whether the report is made about a business, another resident, or the police.

Concurrently with AHRC's involvement, Chief Flaherty provided the resident with information about how to file a formal complaint of bias against the officer whom the resident believed had treated them with racial bias. I assisted the resident with completing and submitting the form. The police department's Office of Professional Standards then moved forward with an extremely thorough investigation that resulted in a final report of over 50 pages.

During the investigation, I coordinated with the AHRC commissioner on the case to accommodate the needs and preferences of the resident and to support the resident through the process. For example, Captain Flynn at times had difficulty reaching the resident. Given the rapport I'd established with the resident, I was able to help coordinate calls and meetings required for the Office of Professional Standards to do its investigation. At the resident's request, I joined these calls and meetings to support the resident, who wanted someone they were familiar with to be present.

When the investigation was completed, I was in touch with the resident to let them know, as the police again had difficulty reaching the resident. Throughout this process, I was able to support the resident. But I was also able to share some of my observations with Chief Flaherty and Captain Flynn. Based on the knowledge and qualifications I bring to my position as Director of Diversity, Equity, and Inclusion, which necessarily includes some of my own lived experiences as a woman of color, I was able to help them more easily see the situation from the resident's perspective. Official interactions between a white, male older police officer and a younger Black person can easily become fraught, especially if the officer does not fully appreciate how body language, tone of voice, and choice of language are being perceived. With other white people, especially men, such body language, vocal intonation, and language would likely be received as routine behavior. But with younger Black people, the very same behavior may be interpreted as aggressive and threatening.

Ultimately, the resident was satisfied with the investigation. Since its close, the resident has actually called the APD on other matters as they now trust that they will be treated with respect given how seriously Chief Flaherty and the Office of Professional Standards took the original complaint.

The second time I supported a resident with a complaint about an Arlington police officer took place during June of 2020. At this time, the entire country was grappling with police violence in wake of George Floyd's murder and town residents were turning out nightly in Arlington Center and along Mass Ave for Black Lives Matter vigils. Many residents displayed Black Lives Matter signs on their lawns, in their windows, and on their doors. A Black Lives Matter sign was hung in front of Town Hall, on the fence in front of Arlington High School, and in many other public places in town. At the same time, Black Lives Matter signs were being torn down and AHRC was receiving numerous complaints of stolen signs.

In this tense racial climate, I listened to a voicemail from a resident who had had an experience with an officer and wanted to talk with someone to process the incident and help them decide whether or not to file a complaint. I called the resident back and learned the following:

The resident, who is Black, had been out walking their dog and passed some construction in the neighborhood with an officer detail. The resident walked by the officer's car (the officer's personal car, not their police vehicle) and could clearly hear the radio station that the officer had been listening to. (The officer was not in the car at that time; they were getting ready for the detail but the car radio was on and the driver's side door was open.)

The car radio was tuned into a talk radio show. The resident could clearly hear the content, which related to Black Lives Matter vigils, calls to defund police, and George Floyd. The resident described the discussion coming from the radio as racist. The resident was deeply concerned that an Arlington police officer was 1) choosing to listen

to such racially offensive content, 2) doing so while working, and 3) apparently unconcerned that anyone around them might overhear the show.

After this phone call, I went online to find the radio show in question and listened to the exact segment myself. The content was racist and representative of right-wing media that spreads misinformation and lies about BIPOC people, LGBTQIA+ people, and COVID-19. I immediately understood why anyone who does not subscribe to right-wing media would have been upset and troubled to come across a police officer listening to such content.

In my discussion with the resident, they wanted to talk through their options. They understood that it is impossible to dictate what a police officer can and cannot listen to in their personal vehicle. But they wanted to know if there were any standards regarding an officer's conduct in public? They also wondered if it was culturally acceptable, within the APD, to openly consume racist right-wing media? Did officers understand how this kind of behavior eroded trust? If they understood, would they care? Would a complaint achieve anything? Was a conversation even possible?

Once again, I was in touch with Chief Flaherty and set up a meeting with the resident, Chief Flaherty, and an AHRC commissioner. Each of us listened to the radio segment before we met, and we went into the meeting knowing in advance that Chief Flaherty had asked the officer in question if they would be willing to speak with the resident, which they declined. So when we met, we discussed the resident's concerns, we discussed how other residents of Arlington might have reacted if they had come across an Arlington police officer openly listening to a radio show with racist content, and we discussed how this incident could impact the police department's reputation if it became more widely known.

In our discussion, the resident's primary goal was for the Chief to communicate to the officer the impact of their actions. The resident wanted the officer to understand that while they may not have intended to offend anyone, by openly broadcasting a racist right-wing talk show while they were working, they had, in fact, offended a resident to such an extent that it made the resident question whether the department could be trusted at all on matters of race.

We ultimately decided to record a discussion between the resident and Chief Flaherty. In this discussion, Chief Flaherty was a stand in for the officer and the resident shared what they experienced when they were out walking their dog and overheard the radio show with the racist content. The recording started with a segment of the radio clip and then a discussion between Chief Flaherty and the resident.

The officer in question subsequently watched the video and had a follow up conversation with Chief Flaherty. The Chief reported back to the resident, and I also followed up. The resident said they wanted to file a complaint just so that it would be on the officer's personnel record, but ultimately decided not to do so. The resident did recommend—and gave permission—for the video to be used in training scenarios.

Ultimately, the resident said that recording the video and hearing from Chief Flaherty about how it was used assured the resident that their complaint had been taken seriously. The resident expressed appreciation that we were open to doing the video to meet their request that the harm caused by the officer—even though it was unintentional—was communicated back to them.

From both of these experiences, I came away impressed by Chief Flaherty's resolve to deliver restorative justice and her willingness to do whatever it took to do so. I shared non-identifying details of the first case with some of my colleagues who work in other cities and towns. All were impressed—a few to the point of disbelief—of the thoroughness of the investigation conducted by the Professional Standards Unit. I also shared non-identifying details of the second case with colleagues and they had a similar reaction to Chief Flaherty's participation in the video and her follow up with the officer and the resident.

But both experiences showed there is room for improvement in the complaints process and I hope that this committee will seriously consider and recommend alternative ways for residents to file complaints about police interactions. I have four recommendations based on my experiences:

- Create a mechanism for filing complaints anonymously
  - Some residents fear police and fear retaliation by police. They have come by this fear honestly, through their own life experiences or those of their loved ones.
- Create a mechanism for triaging incidents
  - An initial conversation with someone in the police department, an AHRC commissioner, or someone from the town's Office of Diversity, Equity, and Inclusion would help the resident understand their options
- Assess what outcomes the complainant would like and work with them
  - People want their complaints to be taken seriously. It is important to ensure that residents with complaints have the opportunity to express what they ultimately want from the situation. As with the second incident described above, filing an official complaint about the officer's conduct was far less important to the resident than being assured that the officer would be made aware of how their actions had impacted the resident and negatively harmed the department's reputation (as the resident shared the story with family and friends and so on).
- Assign someone who is not an employee of the police department to support residents who become involved in Professional Standards Investigations.
  - The process can be confusing and intimidating for residents, and including a third party in discussions to explain procedures, identify cultural differences, and clear up miscommunication, would be helpful.