

OPAT 1.00: COMMISSION REGULATIONS

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1.01: Investigative Standard of Proof

The standard of proof that requires the party with the burden of proof to demonstrate that an allegation or argument is far more likely to be true than false. This standard of proof is greater than the preponderance of the evidence standard commonly used to prove civil liability, but less than the beyond a reasonable doubt standard commonly used to prove criminal liability.

1.02: Duplication of Complaints

Complainants are able to file complaints with the Boston Police Department Internal Affairs Division (IAD), the Massachusetts Peace Officer Standards and Training (POST) Commission or OPAT. To avoid duplication of effort, the OPAT shall not run parallel investigations into civilian complaints of police misconduct. Upon discovery that a Complainant has a complaint pending with either BPD or the POST Commission, OPAT shall notify the Complainant that OPAT will cease intake or investigation into the matter.

1.03: Incomplete complaints

The OPAT Staff may consider a complaint *incomplete* if it is missing two or more of the following information:

- Boston Police Department (BPD) personnel first and last name
- Only contains physical descriptive information of BPD personnel and no other identifiable information i.e. badge number, precinct, video, audio, photographs, social media posts, etc.
- Fails to include specific location information of incident(s)
- Description or summary of incident appears to be incomplete or missing necessary details/information.

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OPAT staff shall take the following steps to collect information from an incomplete complaint:

- OPAT staff shall attempt to contact the complainant by phone, if a number was provided.
- OPAT shall send an email to the complainant, if an email was provided.
- OPAT staff shall send a postcard to the complainant, if an address was provided.

The Complainant will be given (seven) 7 business days to respond to each form of contact. On but not before the twenty-first (21st) day of no contact, OPAT Staff shall make best efforts via phone, email, and/or certified mail to notify the complainant that OPAT has been unsuccessful in reaching the complainant by phone, or email. In order to continue with a formal investigation, the Complainant should contact OPAT during normal business hours. If OPAT does not hear from the Complainant within 7 days of receipt of such notification, OPAT staff shall assess the file to determine whether sufficient information exists to allow an investigation into the allegation of the officer to proceed. If OPAT staff deems the information not to be sufficient, a summary shall be written and presented to the Deputy Director for review. Should the Deputy Director agree with the summary, the file will be presented to the Executive Director for final review prior to presentment before the Civilian

Review Board. If the case is closed for non-contact with a Complainant such case can be reopened by Complainant per regulation.

On the forty-fifth (45th) day without contact from the complainant, OPAT staff shall assess the file to determine whether sufficient information exists to allow an investigation into the complaint against the officer to proceed. If the OPAT Staff deems the information sufficient to investigate, the case will be presented to the CRB to initiate the investigation. If OPAT Staff deems the information not to be sufficient, a summary shall be written and presented to the Deputy Director for review. Should the Deputy Director agree with the summary, the file will be presented to the Executive Director for final review prior to presentment before the Civilian Review Board (CRB). If the case is closed for non-contact with Complainant, the case can be reopened by Complainant upon request.

1.04: Conflicts Arising Within Board Participation

Pursuant to Section 12-16.4(c), shall members of the Internal Affairs Oversight Panel (IAOP)

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or the CRB be unable to fulfill their roles due to a conflict of interest, said matter(s) shall be referred to the OPAT Commission for review and recommendation. Said recommendations shall be reviewed and any recommendations shall be so ordered and in pursuant to the respective authority under the Ordinance.

Pursuant to Section 12-16.4(c), shall the members of the IAOP and/or the CRB fail to achieve quorum for one (1) meeting, to avoid further delay said matters shall be put before the OPAT Commission for review and recommendation by the OPAT Commission pursuant to the respective authority for which quorum could not be met. Said review and recommendation shall be ordered and in pursuant to the respective authority under the Ordinance.

1.05: Board Calendars

The OPAT Commission shall set the meeting calendar of the CRB, IAOP and the OPAT Commission each December for the next calendar year. The Chairs of the respective boards may vote to change meeting dates shall a conflict present that would prevent a quorum of members from being present.