

When it comes to Boston Police reforms, unions are often the sticking point

By [Andrew Ryan](#) and [Matt Rocheleau](#) Globe Staff, Updated June 25, 2020, 6:37 p.m.



Boston's four main police unions are under scrutiny as the nation roils with protests and calls to fundamentally change policing. Their contracts are set to expire June 30 and negotiations between the city and the unions are now underway. SUZANNE KREITER/GLOBE STAFF/FILE

Law enforcement body cameras have a simple premise: Their video evidence can protect both police and the public by preserving a record of what occurred during any tussle, arrest, or use of force.

But in 2016 Boston's patrolmen's union fought the new equipment, filing [a lawsuit to block](#) what the union described as a "miscarriage of justice" that violated members' collective bargaining agreement.

Ultimately the issue was resolved behind closed doors at the bargaining table, and the resulting policy included a gaping loophole. Officers do not have to wear cameras [while working overtime](#). That can mean no video when police are called in to respond to protests, work gang unit sweeps, and face other potentially volatile situations with the public.

Right now, the efforts of Boston's four main police unions are under heightened scrutiny as the nation roils with protests and calls to fundamentally change policing. And with their contracts all set to expire June 30, negotiations between the city and the unions are underway amid a growing chorus of activists and officials who question disciplinary procedures, oversight, and the amount of tax dollars spent on overtime and other pay.

When pressure builds for change, public safety unions have long used collective bargaining and state arbitration to delay, water down, or leverage new policies to gain pay hikes and other benefits. In the parlance of collective bargaining, it can seem like almost anything can be quid — something of value traded in a quid pro quo.

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Then Boston Police Superintendent in Chief William Cross chewed off a body camera during a press conference at Police Headquarters in September 2016. JESSICA
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WHEN BOSTON POLICE SUPERINTENDENT IN CHIEF WILLIAM GROSS SHOWED OFF A BODY CAMERA DURING A PRESS CONFERENCE AT POLICE HEADQUARTERS IN SEPTEMBER 2010. JESSICA RINALDI/FILE

The battle against body cameras was an example of “the power of the unions to exert force to the detriment of those they’re supposed to protect,” said the Rev. Jeffrey L. Brown, a pastor at the Twelfth Baptist Church who has spearheaded antiviolence efforts for decades in Boston.

“And people of color really do not feel protected,” Brown continued. “There [have been] reforms in the police department, but they are always hard fought because there is always resistance.”

A spokesman for the Boston Police Patrolmen’s Association did not return voicemails seeking comment. The Walsh administration declined to disclose the issues currently on the bargaining table, saying in an e-mail that “specifics of ongoing contract negotiations are confidential.” The administration also would not say what, if any, new demands it had made since protests over police brutality swept the globe.

Mayor Martin J. Walsh is a former union leader whose first run for City Hall in 2013 was [fueled by](#) more than \$3 million from organized labor. After years of bitter contract disputes under the prior mayor, the patrolmen’s union [settled amicably](#) with Walsh’s administration in 2017.

Still, no matter how loud or sustained the current calls for reform prove to be, enacting meaningful change in policing policies will likely necessitate difficult labor negotiations.

“This is going to require significant union buy-in,” said Dennis Galvin, president of the Massachusetts Association for Professional Law Enforcement and a retired State Police major.

Contracts would need to be renegotiated, for example, to substantially change the discipline process. Implementing

new department policies, as was the case with body cameras, often requires what is known “impact bargaining.” Unions

have the legal right to negotiate changes in their working conditions, potentially shaping the new policy and seeking something in return.

In recent days, Galvin said, he had conversations with two active Massachusetts police union officials about proposals to change policing, such as revamping the discipline process or adding more dashboard cameras. “The first thing that came out of their mouth was, “This is a change in working conditions so there’s got to be money involved,” Galvin said.

City Councilor Andrea Campbell, who with her colleagues has been pushing a number of changes in the police department, urged Walsh to be more transparent about the contract negotiations.

“I’m not accepting that everything is confidential,” Campbell said. “The mayor doesn’t have to reveal the intimate details of conversations at the bargaining table to protect that fundamental right of negotiating, but he can say what positions and reforms he is pushing for.”

In the wake of the protests, the Walsh administration said it launched a task force to review the police department’s use of force policies. It has also taken other steps, including a push for implicit bias training for police officers, a pledge to strengthen the body camera policy, and a promise to cut the police overtime budget and spend \$12 million more on public health and to fight systemic racism.

In Boston, public safety unions wield significant political power. The payroll for police and fire has surged significantly faster than for other city departments, including schools, public works, and public health. Those rises have been fueled by generous contract arbitration awards that significantly increased pay.

A decade ago, Boston firefighters won a 19 percent pay hike that [included a direct quid pro quo](#): a raise worth an average of \$2,500 a year for undergoing random drug and alcohol testing.

Three years later, police patrolmen landed their own controversial award that granted the union a 25 percent pay hike over six years. Former mayor [Thomas M. Menino's administration argued](#) the contract was unfair to taxpayers and the city's lower-paid employees. But the union flexed its political power and the City Council approved the deal.

Since Walsh took office, the city has added more police officers and cut civilian employees, according to data provided by his office. The number of sworn officers increased by 4 percent to 2,265, while the department's civilian workforce dropped.

And the long fight over body cameras offers a window into how the power dynamics in collective bargaining can hinder the adoption of innovative policing measures popular in other parts of the country.

A few months after the union lost the lawsuit to block that initiative, Walsh announced a new four-year deal with the patrolmen that included a 2 percent raise each year and an agreement to negotiate a body camera policy.

The Walsh administration has been adamant that police did not receive financial compensation — or any other benefit — in exchange for acceptance of body cameras. Moreover, a Walsh official said, there is still no written agreement with the union stipulating the terms of a deal because the union continues to fight the policy.

In other cities, including New York and Baltimore, police are always required to wear body cameras, including on overtime shifts. Here, the Walsh administration has blamed the limitation on the camera's battery life, which the manufacturer says should last 12 hours. In a statement, the administration said it has headed back to the bargaining table with the union to address the use of body cameras on overtime shifts.

The patrolmen's current contract, however, included a number of bumps in pay beyond annual raises — hidden costs with scant transparency that have long inflated the payroll. It is often hard to see, with any specificity, what the city bargainers got in return.

For example, the contract awarded all officers an increase in “hazardous duty compensation,” which amplifies their base pay and increases their overtime haul. The same is true for the jump in “cumulative risk enhancement,” which is another increase in pay. And the contract also increased longevity pay and extra compensation for the department’s educational incentive program, which is designed to encourage officers to get degrees.

The Boston Municipal Research Bureau, a fiscal watchdog, has long criticized these and other enhancements as “hidden costs” baked into municipal contracts that grow exponentially with each new deal.

“The contracts are not particularly transparent in identifying who gets those and how they show up,” said the bureau’s president, Pam Kocker, who urged the city to provide a clearer breakdown of how the hidden costs impact pay. “We’d like to see the details so everything isn’t just rolled into one.”

The city did not immediately provide the Globe a breakdown of the increases in hazardous duty, cumulative risk, and longevity pay. Payroll data show the city paid an additional \$16 million for education incentives in the last two years since the contract went into effect.

To be fair, most labor contracts have complicated provisions that boost pay, giving employees extra for working nights or completing extra training.

More broadly, Boston’s collective bargaining agreements do not contain many of the barriers to reform found in police

contracts in other cities, according to Stephen Rushin, a Loyola University Chicago law school professor who has closely researched police accountability. But that does not mean there won't be difficulties implementing changes.

The most problematic contract provision, Rushin said, is that Boston police can appeal firings and other disciplinary measures to arbitration. While Rushin noted that an array of professions use arbitration to resolve disputes with management, police are different.

“Policing is a profession that if you allow bad officers or bad employees to stay on the force, the consequences can be much greater,” said Rushin, who analyzed more than 175 police contracts from many of the nation's largest police departments for a [2017 study](#).

In discipline cases, arbitrators often split the difference between management and the union, handing out a suspension when a police chief was pushing to have an officer terminated.

“That solution may look like a compromise,” Rushin said. “But it can ultimately result in a really bad police officer being put back on the street.”

Andrew Ryan can be reached at andrew.ryan@globe.com Follow him on Twitter [@globeandrewryan](https://twitter.com/globeandrewryan). Matt Rocheleau can be reached at matthew.rocheleau@globe.com. Follow him on Twitter [@mrochele](https://twitter.com/mrochele).

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