

Within the Boston Police Department, complaints against officers are rarely confirmed or result in punishment

By [Evan Allen](#), [Matt Rocheleau](#) and [Andrew Ryan](#) Globe Staff, Updated July 18, 2020, 3:53 p.m.



Protesters marched past Boston Police Department District 4 during a May protest against police violence. coronavirus (COVID-19) topic: reporter: MATTHEW J. LEE / GLOBE STAFF

The Boston Police Department almost never believes citizens who report misconduct or violence by police officers, and even when officers are found to have acted inappropriately, they often are not punished with anything harsher than an oral reprimand, according to a Globe analysis of more than four years of department discipline data.

When citizens complain about the police, the department's internal affairs investigators sustain their allegations just 11 percent of the time. One of the most serious allegations — about use of force — is sustained about 3 percent of the time. Complaints can take years to resolve: One use of force case lingered for almost nine years before the officers' actions were found to be justified.

The data, released in response to a request from the Globe, provide a sweeping look at the hundreds of allegations lodged each year against the police — and show how rarely the more than 2,000 members of the department are disciplined and how mild the penalties, if any, generally are. Right now, two officers who are barred by restraining orders from carrying guns remain on duty, as does one officer who is not allowed to drive because of an arrest for operating under the influence.

“Should police be investigating themselves in the first place?” said former Boston police lieutenant Tom Nolan, who once worked in internal investigations and now teaches criminology and criminal justice at Emmanuel College. “During this time when we’re examining policing on a macro level, we should ask this question.”

As national protests over police killings of unarmed Black people have swept the country after the death of George Floyd in Minnesota, scrutiny has centered on how police departments handle officer discipline. In the Floyd case, the

white officer who knelt for more than eight minutes on Floyd's neck, killing him, had received at least 17 misconduct

complaints, but only two letters of discipline, according to The New York Times. He was fired after video of the incident rocked the nation and faces second degree murder charges.

In Boston, at least about 90 officers accumulated five or more complaints in the last decade; at least eight accumulated at least 10. Meanwhile, termination for proven misconduct is not only rare, but often futile. Since 2017, the department has fired only four officers — and three got their jobs back, either through arbitration or hearings at the state Civil Service Commission.

The numbers are stark, but experts say they're not unusual in the world of policing. The time it takes the BPD to investigate its own stretches far longer than in other cities. But as for the rates at which citizen complaints result in officer discipline, the department looks like many of the country's large police outfits. This leniency is now the focus of years of pent-up public outrage across America.

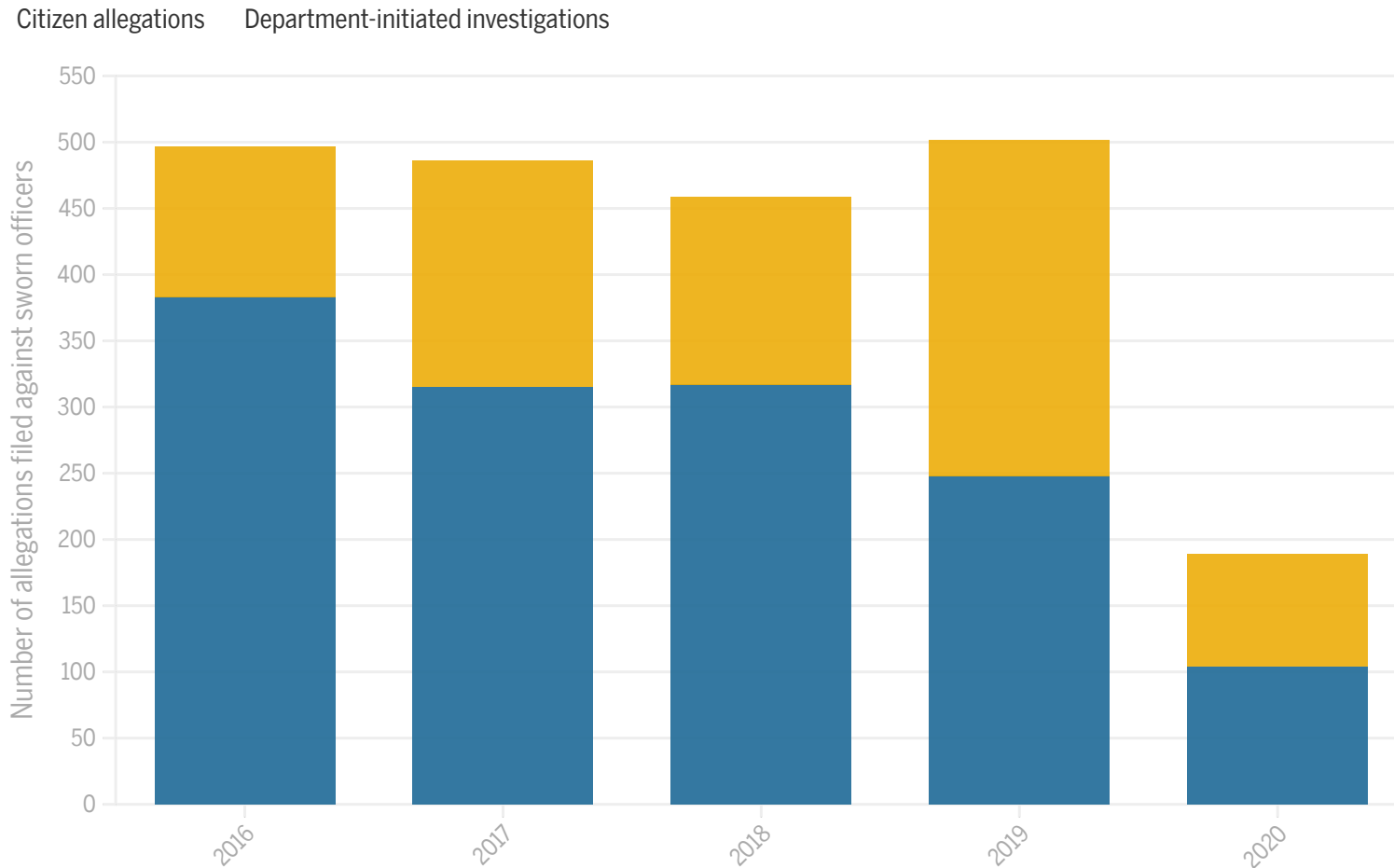
“The pattern you're seeing there is very typical of similarly sized departments,” said professor Matthew J. Hickman, chair of the Criminal Justice Department at Seattle University and a former statistician at the federal Bureau of Justice Statistics. “Setting aside whether that's good or bad, it is not unique.”

Boston police spokesman Sergeant Detective John Boyle said the department takes every allegation filed against an officer seriously, and investigates every case thoroughly.

Often, Boyle said, citizens file complaints and then vanish, leaving internal affairs investigators without witnesses, or they file irrelevant complaints about people who are not Boston police officers. Some cases end up in court and slow the process. Some complaints boil down to he-said, she-said disputes, Boyle said, and other times people complain simply

because they are arrested and hope for leverage to soften or get rid of the charge. To sustain an allegation, he said, there needs to be both a violation of a department rule and a preponderance of evidence. Ultimately, due process takes time. “We follow the evidence of each case,” Boyle said. “The police commissioner is committed to clearing his IAD cases. Transparency and accountability is definitely a priority to him.”

Allegations against Boston Police Department's sworn officers



Source: Boston Police Department
Data is from 2016 to early July 2020

Police advocates and critics alike have long complained about the Boston Police Department's disciplinary process, citing poor record-keeping, shoddy investigations, "rubber stamp" hearings, and disparities in how discipline is meted out. The city has a [civilian oversight board](#) that is supposed to periodically review police discipline, but it hasn't issued a report in three years and went one full year without meeting at all.

"The question is, 'Does a real true complaint process exist for residents to feel like they trust the system?'" said City Councilor Andrea Campbell, who chairs the council's public safety committee and has been pushing to create a stronger and more transparent [review process](#).

The complaint data analyzed by the Globe spans 2016 to early July 2020. In that period, there were 1,052 cases, containing 2,133 allegations, filed against sworn police officers. Almost two-thirds of those allegations were made by citizens; the rest were filed by people inside the department. Almost a quarter of the allegations concerned disrespectful treatment by police; another 22 percent were for neglect of duty or unreasonable judgment. The 152 use of force allegations were the third most common, making up 7 percent of allegations.

In cases where at least one allegation was sustained, BPD data show no record of punishment 40 percent of the time. Boyle said there should have been punishments recorded, but they aren't reflected in the data due to an administrative error and because the statistics were not up to date. The issue is being addressed, he said, but he was not able to provide further numbers.

The data also show that 37 percent of the time that an allegation was upheld, officers received only an oral reprimand. Another 19 percent resulted in suspensions, the most common duration was a single day.

Today, 30 percent of all misconduct allegations remain “pending” investigations. About 12 percent of all allegations made in 2016 have yet to be closed.

Still, the department sustains more complaints than it once did and has seen a dramatic drop in citizen complaints and use of force allegations since the turbulent early 1990s. Police pride themselves on a crime rate that has been falling for decades and a [robust community policing program](#). And Boston in recent years has been spared the kind of shocking police killings that have roiled other cities.

But problems remain, and they begin before a written complaint against an officer is even filed.

“A lot of officers are telling me that many things may not be documented,” said Campbell, the city councilor.

In one colorful instance in 2002, an officer, who is now a captain, was suspended for refusing to allow a local attorney to file a complaint, the Globe reported at the time. He instead [challenged the attorney](#) to go outside and settle things “man to man,” a charge the officer denied.

Gaps in agency record-keeping, Campbell said, downplay wrongdoing and obscure the true number of complaints. And without a written record that begins early, there’s no paper trail on repeat offenders. Boyle denied this is the case and said all complaints are entered into the system.

When complaints against police officers are filed, either by citizens or members of the department, they land in a sluggish and roundabout system. The claim automatically goes to the Bureau of Professional Standards, which handles all complaints, ranging from brutality to bias, discourtesy to domestic violence. Its discipline code, most of which dates to 1983, is designed for “maximum flexibility” and contains no list of infractions that lead to immediate termination and no mandatory minimum for punishments.

Those on both sides of the investigatory process — police officers and those filing complaints — say it's unfair.

“They’re always better to the police officers than they are to the civilian witnesses,” said Howard Friedman, a Boston civil rights attorney who has represented plaintiffs in cases involving police misconduct and violence for more than four decades. “Most people don’t go into the police station unless they really feel something bad happened to them. The ones with criminal records are the least likely to want to come in. And yet the police act like it’s the opposite.”

Some officers don’t trust the process either.

“There are times when a police department will take a not very strong case forward, fully acknowledging it’s not a strong case,” said attorney Ken Anderson, who represents police in internal affairs, anticorruption, and disciplinary issues, and whose firm handles the disciplinary and criminal work for the Boston Police Patrolmen’s Association. “At the original disciplinary hearing, they hold all the cards. It’s a rubber stamp process.”

Anderson said investigations can be haphazard, missing foundational elements: He recalled one case in which investigators never spoke to the single accusing witness — an ex-wife — and fired the officer anyway. The Civil Service Commission ordered the department to reinstate him. Investigators frequently fail to run down evidence, go to the scene, search for video, and interview witnesses, Anderson said.

“If you’re going to take someone’s job, you should do it the right way. Run out every ground ball, talk to everyone. ... If they’re a bad police officer, no one wants to work with them,” Anderson said. “I think a thorough investigation benefits everybody.”

Officers of color have for years charged that the subjective nature of the process results in stiffer punishments for them than for their white colleagues. Boyle, the department spokesman, said the department does not track cases by race, but

that race did not factor into any disciplinary decision-making.

When the department does close a case and hand out discipline, the fight is far from over.

Officers can appeal rulings to the state Civil Service Commission or take their case to arbitration, where findings can be overturned and punishments reversed.

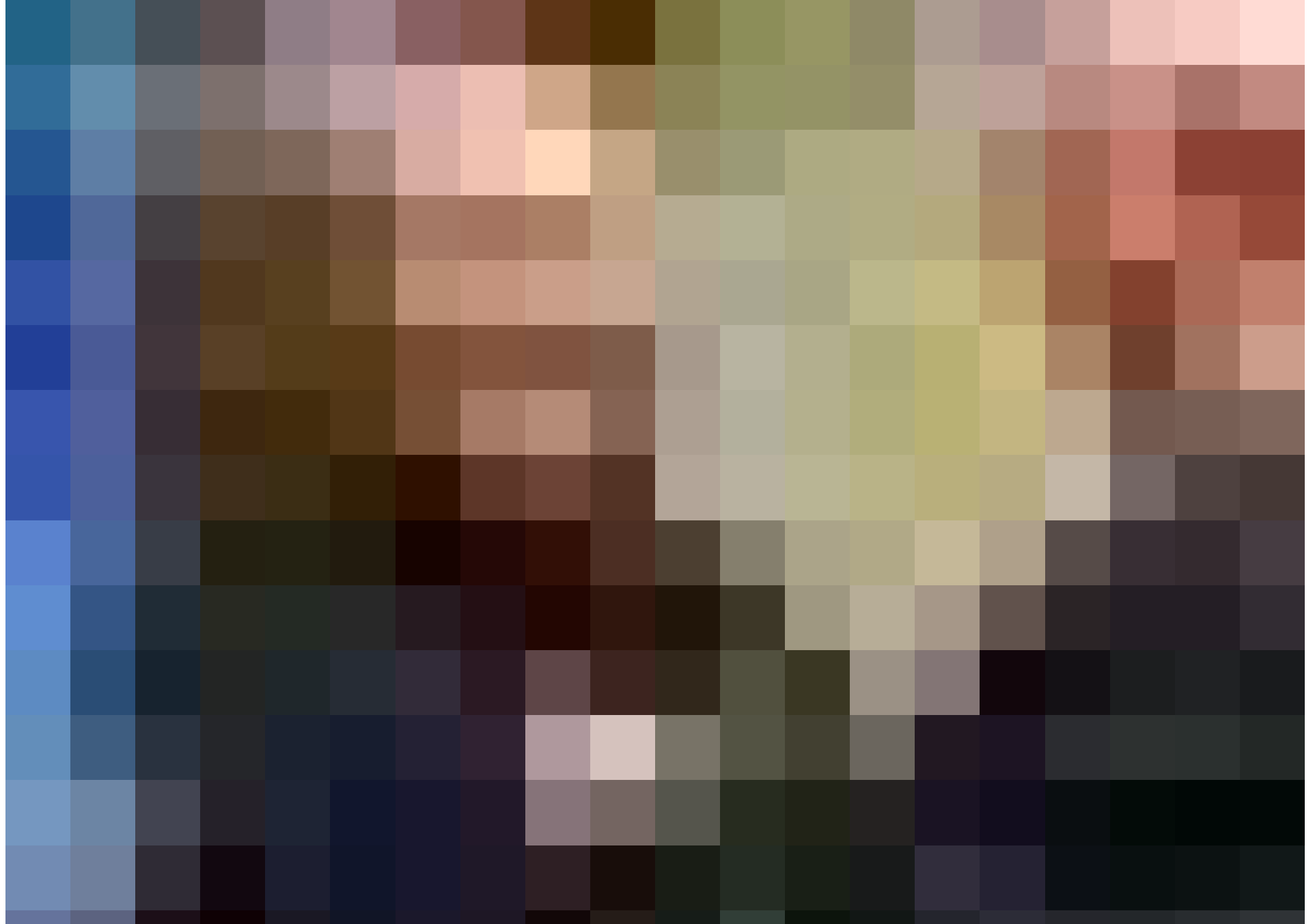
Among the officers who have successfully fought termination: Officer Baltazar DaRosa, charged with driving a getaway car during a 2005 murder but acquitted, was fired then reinstated by an arbitrator in 2012.


David Williams, fired twice, in 1998 and 2012, over accusations of brutality, was rehired twice — both times after arbitration.

Kirk Merricks was fired in 2017 after police found explosives in his home but rehired after a civil service ruling.

Just as troubling as the officers who are rehired, some say, are the officers who escape serious punishment.

In 2008, officer Brian Dunford and his partner arrested a Black firefighter named Wayne Abron in his backyard after a neighbor called to report a fight between Abron and his girlfriend. A photo of Abron after his arrest shows his face bloodied and his eyes swollen shut.





Boston Police Detective Brian Dunford during his promotion ceremony to Sergeant in 2016. BOSTON POLICE NEWS

Dunford and his partner charged Abron with assaulting an officer when they said they tried to pry him off his girlfriend. But Abron and his girlfriend denied they had physically fought and said the police attacked him.

An internal affairs investigation was launched. Separately, Abron was acquitted on the assault charges by a jury in criminal court.

Internal affairs investigators found that Dunford, whose father was a superintendent in chief at the time, had indeed “used poor judgment when testifying in court and failed to accurately document the type or amount of force used when placing a suspect under arrest.” He was given a five-day suspension but only required to serve two days as long as he stayed out of trouble for a year.

Abron won \$52,500 in a settlement. Dunford was [later promoted to sergeant](#) and remains on the force.

Dunford has also continued to accumulate citizen complaints, including a 2010 use of force allegation, in which he was exonerated, and three others involving disrespectful treatment or allegations of “neglect of duty/unreasonable judgment,” which were closed by investigators, who could not prove or disprove the allegations.

Dunford did not respond to requests for comment made through his union or the department. Boyle said Dunford’s father’s position had nothing to do with his discipline, and his promotion to sergeant was based on his civil service ranking.

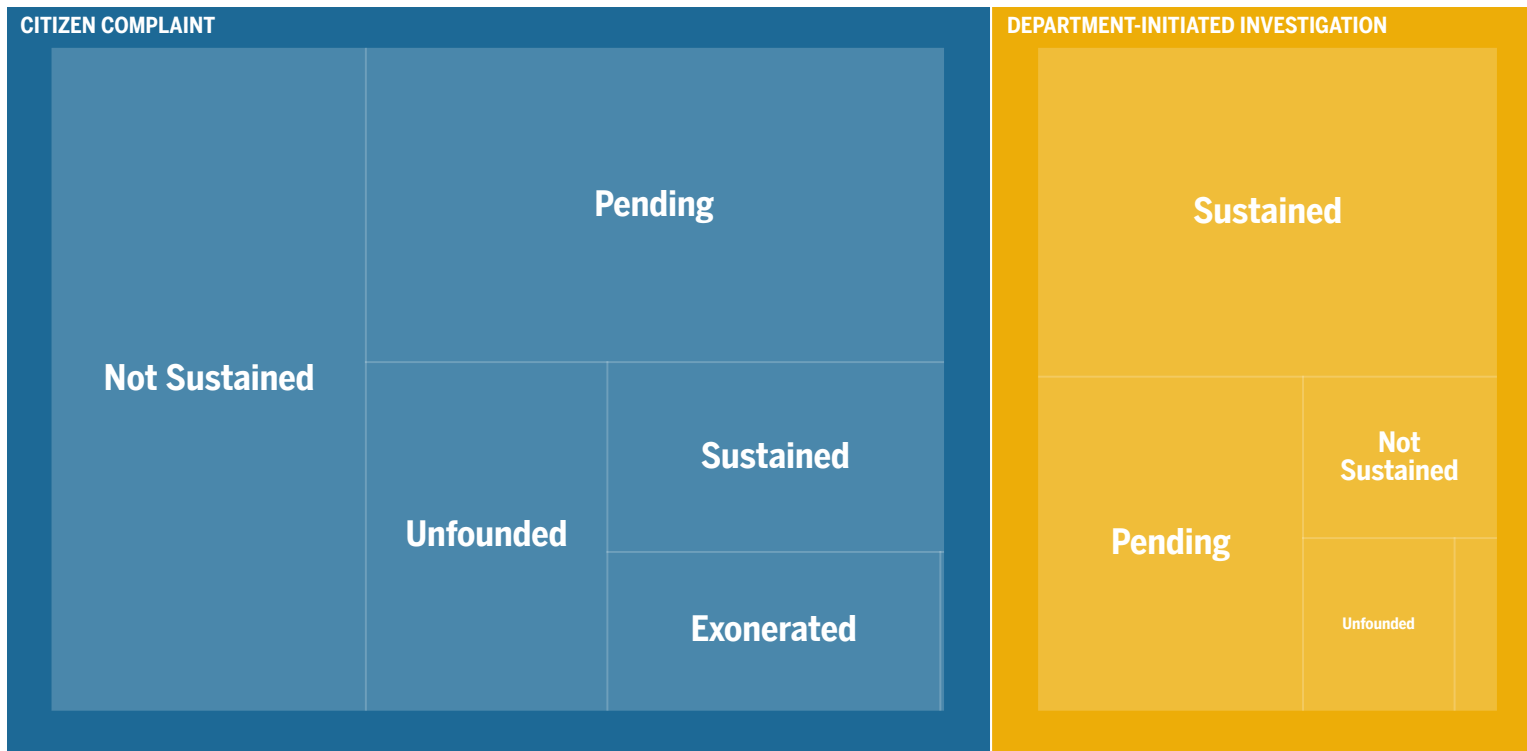
“It’s kind of tough to have the current administration answer on something that’s this long ago,” Boyle said.

“Commissioner [William] Gross takes all allegations of excessive use of force, and any use of force, seriously, and they

will be investigated.”

Recommendations for all allegations against BPD officers since 2016

Sustained: investigation supported allegations in the complaint; Not sustained: investigation failed to prove or disprove the allegations; Exonerated: the action did occur, but investigation revealed that action was proper, legal and reasonable; Unfounded: investigation revealed that conduct did not occur



Source: Boston Police Department, data from 2016-early July 2020

✶ A Flourish hierarchy chart

The Massachusetts state Senate on Tuesday [passed a police overhaul bill](#) that, among other things, would give an independent statewide Police Officers Standards and Accreditation Committee the power to certify, and revoke, the

licenses of police officers, though that bill has met with fierce resistance and has not yet passed the House.

Last month, Boston Mayor Martin J. Walsh announced the creation of an independent commission to review Boston police rules and guidelines. Experts say that progressive police departments have specific, written guidelines on discipline; careful record-keeping and data analysis on issues such as race and force; and strong outside oversight. Ultimately, they say, focusing narrowly on data about individual complaints does not tell the whole story of a department's approach to discipline, nor does it solve foundational problems.

“Focusing on individual officers, or the rotten apple — so what,” said Samuel Walker, emeritus professor at the School of Criminology and Criminal Justice at the University of Nebraska Omaha, who studies police accountability. “The culture of the department hasn't changed, the policies and procedures haven't changed. You have gained nothing.”

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