

**Report on the Death of David Woodman
By Donald Stern**

Appointed by Boston Police Commissioner Edward Davis

**Media Summary
November 10, 2009**

A Message from Police Commissioner Edward Davis

The tragic death of David Woodman on June 29, 2008 has forever changed the lives of those affected. It is devastating to the department and the City when a tragedy occurs on a night intended for celebration. The Boston Police Department is committed to developing comprehensive and careful strategies to ensure the public's safety. Our goal remains to consistently improve upon and enhance our efforts to provide the utmost professional, respectful and effective public safety services. The report released today by Donald Stern and our implementation of his recommendations represents our steadfast commitment to achieving that goal.

Immediately following Mr. Woodman's tragic death, I requested an independent investigation into the matter by former U.S. Attorney Donald Stern. I strongly believe that the department and the public will benefit greatly from the findings and recommendations that he and his esteemed colleagues have provided in this report. On behalf of the department, I would like to extend our deepest gratitude to Donald Stern for providing his invaluable insight, distinguished experience and long-standing dedication to public service. I would also like to thank Barry Mawn, Nancy McGillivary and all of the administrative staff who assisted Mr. Stern in this endeavor. In addition, I would like to express our appreciation for the law firm, Cooley Godward Kronish LLP.

With this discerning contribution, the department will continue to build upon lessons learned in the past by not only following the recommendations presented by Mr. Stern, but also implementing recommendations the department proactively sought from international law enforcement experts to ensure that we consistently provide the best possible protection to our citizens.

It is important to note, that large scale gatherings are inherently dangerous situations particularly when there is a city-wide celebratory event like that which occurred on the evening of June 18, 2008 following the Celtic's championship. These scenarios undeniably test a police agency's capacity. We do believe that our department has significantly improved upon the planning and carrying out of such events in recent years. We also believe that the heightened community awareness regarding police expectations will continue to contribute to the successful policing of large gatherings. Every large-scale event offers invaluable insight into opportunities for improvement and important lessons to be learned.

Attorney Stern and the members of his committee had complete access to the interviews conducted by both the Homicide Unit and Internal Affairs, as well as the records of treatment provided by ambulance and emergency workers on the scene of Mr. Woodman's arrest. They also had access to the medical examiner's report and conclusions. Each of the investigatory units – Homicide, Internal Affairs, and the Stern Commission – reviewed different aspects of this event. Homicide focused on the potential criminality of the event, with ultimate oversight by the District Attorney's Office; Internal Affairs reviewed the particular actions of each officer to assess compliance with BPD Rules and Procedures, and the Stern Commission reviewed both, and brought their combined experience and knowledge of best practices, in order to identify opportunities for the Department to learn from this unfortunate event.

After closely reviewing the totality of information presented from thorough, multi-faceted examination of this incident, I believe that officers in no way could have foreseen or prevented Mr. Woodman's death. However, we will learn valuable lessons from this and will apply those lessons moving forward. I would like to reiterate the department's pledge to employ every conceivable measure to provide our community with the utmost professional, respectful and effective public safety services.

I would like to take this opportunity to thank the Suffolk County District Attorney Dan Conley, Suffolk County prosecutors, Boston Police homicide investigators and Boston Police Internal Affairs investigators for their commitment and dedication to conducting an objective and fair review of the facts.

In closing, the Boston Police Department, the officers and emergency personnel who responded in the early morning hours of June 18, 2008 undoubtedly continue to hold with them a deep sense of sadness from this incident. I would like to once again extend our most sincere condolences to the Woodman family and friends as they continue to cope with their difficult loss.

Stern Recommendations and BPD Response

<p>Stern Recommendation A.</p>	<p><i>Additional Guidance and Training Regarding Control of a Prisoner During An Arrest.</i></p>
<p>BPD Response</p>	<p>The Boston Police Academy will adopt this recommendation by developing an enhanced curriculum to address this matter for all in-service and recruit training. The Police Academy has recently introduced e-learning or distance learning as an available option for officers. Distance learning will allow police officers to complete an on-line course at their district station without being assigned to the Police Academy for their full tour of duty. It allows for more officers to complete the required course in a smaller amount of time.</p> <p>The Distance Learning course that is currently being developed for Defensive Tactics would be based on the following outline:</p> <ol style="list-style-type: none"> 1. Review the 6 components of handcuffing <ol style="list-style-type: none"> a. Immobilize b. Control c. Handcuff d. Search e. Monitor f. Transport 2. Review BPD Rules relative to care, custody, monitoring and control of prisoners <ol style="list-style-type: none"> a. Rule 315 b. Rule 318 c. Rule 203 3. Examples of dealing with both compliant and non-compliant subjects <p>The In-Service practical application would include the 6 components of handcuffing and how to safely and effectively execute each component with both a compliant and non-compliant subject.</p>
<p>Stern Recommendation B.</p>	<p><i>Search of Arrested Persons Should Be Conducted As Soon As Possible And Consistent With Boston Police Procedure.</i></p>
<p>BPD Response</p>	<p>The Boston Police Department does have a thorough policy regarding the appropriate search of an individual at the time of arrest. It is the department's position that in this particular circumstance administering medical aid to Mr. Woodman took precedence over conducting a search of his person but an immediate pat search could have been conducted.</p>

Stern Recommendation C.	<i>The Rules Of Engagement Should Be More Clearly Communicated To The Officers.</i>
BPD Response	The department agrees that it is critical to ensure that officers have a clear understanding of the ‘Rules of Engagement’ preceding their deployment to a large-scale gathering. The department has already begun taking measures to enhance communication with officers prior to a large event where crowd control is a primary concern. All supervisors must attend a briefing prior to an event where they are provided the department’s priorities and expectations for that event. Those supervisors are then responsible for clearly articulating those objectives to officers at Roll Call. The department is administering Special Event Log Books to each officer prior to an event that clearly states the ‘Rules of Engagement’ developed for that particular event. The department will increase utilization of the police radio to frequently broadcast expectations on ‘Rules of Engagement’. The department will assign a commander from Staff Inspections to spot check during the deployment at large events to ensure that all officers have received proper instruction from their supervisors and to identify any potential breakdowns in communication that need to be addressed.

Stern Recommendation D.	<i>Reports Should Be Completed Promptly By The Arresting Officer And Where Necessary, By Other Police Officers At The Scene.</i>
BPD Response	The department agrees with this recommendation. Although the writing of the police report regarding this incident was consistent with department rules and regulation, the department will proceed with requiring that a supplemental report be authored by the arresting officer as soon as feasible.

Stern Recommendation E.	<i>Attempt to Assure that Personnel Assignments Take Into Account the Years of Service of the Officers Involved.</i>
BPD Response	Moving forward when large-scale assignments are developed, the department will attempt to organize a mixture of officers in a squad with varying years of service where possible. However it should be noted that all officers are extensively trained prior to graduating from the Police Academy.

Stern Recommendation F.	<i>Designate A Family Advocate/Family Liaison Charged As The Point Person For A Family In Certain Situations.</i>
BPD Response	The Boston Police Department currently has two employees, one sworn and one civilian, who are assigned as

	Victim Witness Advocates. These two individuals are tasked with providing support to surviving families of victims. The department will make more of a proactive effort to offer our family liaison services in such circumstances.
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Stern Recommendation G.	<i>A Policy for Statements By The Police Department To The Media.</i>
BPD Response	The Boston Police Department has a steadfast commitment to transparency and believes it is critical to provide media and the public with timely and accurate department-related information. Although each incident provides a unique set of circumstances and requires varying levels of public information distribution, the department will review national best practices to determine whether adjustments to the current media policy are necessary.

Stern Recommendation H.	<i>A Policy for Stress at the Scene.</i>
BPD Response	<p>The Boston Police Department's Peer Support Unit established what is known as the Critical Incident Stress Team (CIST). The CIST is certified nationally by the Critical Incident Stress Team national foundation. There are approximately 25-30 officers citywide of all ranks that are specially trained to recognize signs of officers in despair and then take the steps necessary to get the officer the support and assistance.</p> <p>Since 1998, we also contract a department psychologist and two social workers (trauma experts) that provide the clinical needs beyond the peer support provided by the unit.</p> <p>Currently the Critical Incident Stress Team is mobilized in instances such as line of duty death, suicide of police officer, multi-causality incident or disaster, significant event involving children, knowing the victim of an event, serious line of duty injury, police shooting with injury/death, excessive media attention, prolonged incident with loss or other significant events.</p>

Stern Recommendation I.	<i>A More Streamlined Investigative Process.</i>
BPD Response	The Boston Police Department has been involved in ongoing discussions with other agencies, including the District Attorney's Office, about how best to conduct investigations where criminal and administrative issues may be implicated. This review will continue to determine when investigations may be conducted simultaneously and without jeopardizing the integrity of either. The department will adopt this recommendation by conducting concurrent investigations.

BPD Proactive Initiatives

The department continues to closely examine and strive to always improve upon matters related to planning, deployment, training and policy in preparation for large-scale events. In August of 2008, Police Commissioner Davis invited the Police Service of Northern Ireland, world-renown experts in this area, to the Boston Police Department to observe and provide recommendations related to the management and operation of large-scale events. Their input was invaluable and resulted in the implementation of new elements aimed at enhancing public safety service provided during large gatherings.

The Boston Police Department proactively adopted the following measures to enhance safety and effectiveness during large-scale events:

- Increase use of video surveillance, both covert and overt, that provide officers with the opportunity to review and charge individuals post-event as opposed to making an onsite arrest
- Include the presence of a third-party community observer in the command center
- Build a scaffold or provide a lift which gives officers a vantage point to view the crowd from a higher point
- Embed EMTs in crowd control units
- Enhance pre-event communication with the community, which clearly states behavior expectations. The department has begun distributing brochures to the community clearly articulating our message and priorities prior to major events.
- Provide each officer with a Special Event Log Book prior to deployment that clearly states the 'Rules of Engagement'.
- Increase communication and coordination with local colleges and universities.

Internal Affairs Investigation

Based on all of the available evidence the investigation concludes:

While affecting the arrest of Mr. Woodman on June 18, 2008, the officers used force in overcoming Mr. Woodman's resistance to arrest. The officers used a reasonable amount of force that permitted them in subduing and arresting Mr. Woodman, while maintaining a high level of safety for themselves and the public.

In observing Mr. Woodman in medical distress while in police custody, the officers performed proper procedure by notifying the Operations Division of Mr. woodman's condition and requesting the aid of an ambulance. While monitoring Mr. Woodman during a chaotic event and observing a decline in his physical condition, the officers followed proper procedure by immediately informing the Operations Division, administering CPR and exercising due diligence in securing a high level of medical aid for Mr. Woodman.

After a thorough and exhaustive Internal Affairs investigation, investigators have determined that there were no violations of department rules and regulations.