

Mayor Janey: Thank you for the opportunity for this hearing and for the chance to tell my side of the story and why I believe I can work with you to move the City forward and the police department forward. We got off to a challenging start given this investigation and all the allegations. But I believe I offer an important hope for meaningful change. I want to be Commissioner and I believe it would set the City back if I am removed.

Let's be clear. I am a Black man, who has been accused falsely of crimes, I have not yet been given a fair trial, and I'm on the brink of being convicted, or terminated which is the equivalent here. As you know, that is a pattern that has been repeated in this country for centuries. I believe it will be bad for Boston if that pattern is repeated here with me.

I want the truth and the facts to dictate the outcome here, not terrible allegations made by unidentified persons who are not under oath and whose motivations are not known. It should be obvious to all now that I had a very difficult marriage and a difficult divorce. My ex-wife was angry at me for leaving her, and she remains angry at me. She has friends and relatives willing to do her bidding. I suspect they are the ones who have made false allegations of abuse against me.

I have presented sworn videotaped testimony in an effort to get the truth out and to demonstrate to you that I am innocent. Let's start with the 1999 incident. I never threatened to shoot my ex-wife. Months after a hurtful incident when I discovered her meeting up with another man, I told Linda Figueroa about what happened and how I felt months earlier. I told her I felt so upset I could have shot both of them. It was a poor choice of words but it was an expression that many people use. Someone says, "I could have killed him." That is not a threat, but an expression of feeling. That's all mine was.

Linda Figueroa knew it was not a threat, and did not tell Sybil I made the statement for about 4 months.

Sybil knew it was not a threat. She did nothing when she heard from Linda that I made the statement. It was only after I told her I wanted a divorce and she should get an attorney, that she exploded in anger and went that same day to the police and the court saying I had threatened to shoot her and her boyfriend three weeks earlier. That was false. I never threatened her and the statement I made was 4 months earlier, not three weeks earlier.

Of course, if a court hears that someone has threatened to shoot his wife, the court is going to give a restraining order. That's what happened. It does not mean that I did threaten to shoot her, and that issue was never tried or adjudicated by the Court.

As soon as my ex-wife obtained the financial advantage she wanted in the divorce, she dropped the restraining order. That happened only 5 -6 weeks after she got the restraining order. She then was fine with me coming back to the home and living there for another 1 ½ years. She was not afraid of me then or ever. She simply used the false charge to gain an advantage and because she was angry at me for leaving.

The BPD Detective Mary-Ann Riva reached the same conclusion when she investigated the incident. We provided you with her affidavit.

As for the 1993 incident involving Sybil's niece, Tyesha Owens. That was not a fight over \$10. In fact I did not fight her at all. We took her in because she was having trouble at home, and she was angry that she was having to leave. I did not recall the reason, but Tiffany reminded me it was because Sybil found her having sex with a male friend in our house and told her she had to leave. She attacked me and kicked me in my very seriously injured knee. That injury almost cost me my livelihood. I was out of work for 4 years and the BPD wanted to pension me because they did not think I could come back to work. That's how serious the injury was. And Tyesha attacked and kicked that knee. Of course, I responded to defend myself and to stop the attack. And I swiped at her with an open hand to stop her. That was self-defense. A neighbor witnessed it and told the police I only responded after being kicked in my injured knee.

As for the other allegations of alleged abuse that I heard about for the first time in the investigator's report, they are utterly false. I don't know who made the allegations or why because that information has been kept a secret. That seems very unfair and wrong to convict me based on allegations made in secret and not under oath.

The new allegations are also contradicted by Sybil's own statement to the police in 1999. She told the police there had been "no physical abuse" in my relationship with her. She was a police officer at the time, and duty bound to tell

the truth. That part of what she told the police at least was true. I never physically abused her. I never hit her once, not even in self-defense.

So I have been falsely accused of domestic violence. Let me be clear. I care deeply about the problem of domestic violence. As she testified, my own daughter has been the victim of domestic violence from her mother. I learned about it when Tiffany was older and able to tell me. I was sad about it and want to make sure we do what we can to stop it and to get survivors the help they need.

But I did not ever engage in domestic violence. I am innocent and I ask that you not convict me.

I understand you have concerns about my conduct during the investigation. Let me address those concerns as best as I can.

First, there is a concern about a Blue Wall of Silence. That exists and we need to work to end that. We need police transparency and accountability, and if allowed I will work with you to move the police forward toward those goals.

The investigator says she encountered a Blue Wall of Silence because she says people refused to speak to her. Who are these people? I know at least one person who was prepared to speak to the investigator but simply wanted his union rep to attend with him. The investigator refused. Is that person counted as someone who refused to speak to the investigator?

There is also some implication that I am responsible for people not speaking to the investigator. That is false. Without guidance from City Hall, I decided to go home and keep my mouth shut during the investigation to let it play out and to hope for fairness. I did not tell officers not to speak to the investigator. I did not interfere in the investigation at all. And I should not be blamed for others not speaking to the investigator.

There has been the suggestion that I sought to intimidate officers relating to the investigation by coming into the office. That is untrue. I did not seek to intimidate and I don't think I did intimidate. I only came into the office 4 times and that was only to respond to the investigation or to police business where the

Command Staff needed documents from my computer. I have explained the circumstances of those brief visits in my sworn testimony.

I was never given any guidance about what to do or not to do during this investigation and had to do the best I could using my best judgment. The first time I came to the office was for a Zoom meeting with you, Mayor Janey, and your attorney, Mr. Luthin. I conducted the interview from my office because of Covid. I could not do it from my house because my attorney was with me and my wife was vulnerable to Covid due to health issues. I hope you understand that Covid required me to make an adjustment for the safety of my family. No one told me I should not be in the office.

I was also not given much guidance about the investigation. Mayor Walsh told me it was about the 1999 allegation – the alleged shooting threat. When the investigator asked for my tax records and credit history, that seemed way beyond the scope of the investigation as I had been informed. It seemed appropriate to push back on that request. And ultimately it seems your Administration agreed, because the only document your Administration asked me to provide was the CORI authorization form. And I provided it.

Mayor Janey, I appreciated your meeting with me on April 1 about the investigation because that was the first time City Hall told me what they expected. You made clear that you were going to let the investigation come to completion and then you would decide. Within a week or so of that meeting, I sat down with the investigator and fully cooperated with her. I answered all her questions, other than ones about my private life such as my sex life with consenting adults. I objected to that, because it is not relevant to the question of whether I committed domestic violence. Also, the investigator had told us that she planned to make the report public. I hope you understand that I did not want my private sex life publicized to the world in the investigator's report. Because I was not told what was expected of me in the investigation, I had to use my best judgment.

I sat for the interview with the investigator until she had asked all her questions and I answered them. I became concerned about the investigator's bias during the interview. I acknowledged that I had "pushed" my ex-wife at times if she was acting aggressively to me and not allowing me to leave the house. It was not a

violent push by a long shot, but the investigator characterized the pushing as “violent”. She said in a follow up line of questioning that I had admitted to “violent pushing” and we objected and told her I had not admitted to “violent pushing”. But it told me a lot about the investigator. She had an agenda and leaped to a serious and false conclusion that I had acted “violently” when I had not.

After I answered all her questions, she ended the interview, not me. I thought we were done. Then some time later, she asked for a follow-up in person interview. Because I had seen what I perceived as the investigator’s bias, I agreed to answer her follow up questions in writing. She did not send any follow up questions. No one told me I had to sit in person for a follow up interview.

Finally, Mayor Janey, you have expressed concern that I did not speak out during the investigation about domestic violence. Again, I did not receive any guidance from City Hall about what to do or not to do. In my judgment, the best thing to do was to go home, keep my mouth shut, and let the investigation play out. That’s what I did. It’s not that I don’t care about domestic violence. I do. But I certainly felt I would be criticized if I publicly spoke about the subject of the investigation, namely, alleged domestic violence. I did not want to be accused of interfering with the investigation.

My hope is to be treated fairly and to be given a chance to complete my term as Commissioner. I was one of twelve leaders on the Boston Police Reform Task Force and I am committed to implementing the recommendations of the Task Force. BE SPECIFIC. I want to work with you to move the City and the Police Department forward. I have what it takes to succeed in this position and to make reforms happen. I have the experience to run the BPD. As a 33-year veteran I have done it all, working my way up through the ranks. I have the trust of my fellow BPD officers. I grew up in the City – Dorchester – and so I know the community we are working to protect and serve. As a Black person, I know the equity and fairness issues that exist and need to be addressed.

Respectfully, there is no cause to remove me.

I also know that with the distribution of the investigator’s report and the City’s statements about it, my reputation has been destroyed wrongly. If I am terminated under the current circumstances, I will never be able to resurrect my

reputation, I will never be able to clear my name, and my livelihood will be destroyed. I ask that you not do that to me.

I ask for a chance to complete my term and to work with you to move the City and the Police forward.