

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

MONDAY, JULY 13, 2015

Present: Ald. Harney (Acting Chair), Yates, Johnson, Cote, Fuller and Schwartz

Absent: Ald. Ciccone (Chair) and Lipof

Also Present: Ald. Danberg

City Staff: Mary O'Neill, Recruiting Manager and Lt. William Spalding, Newton Police Department

#155-15      HIS HONOR THE MAYOR seeking approval to establish a Search Committee for the Chief of Police in accordance with Chapter 279, Section 5 of the Acts of 1992. [06/08/15 @ 5:41 PM]

**HELD 6-0, Ald. Johnson not voting on 06/17/15**

**ACTION:      HELD 6-0**

**NOTE:**      Ald. Harney noted that the Mayor's letter requesting the establishment of a Search Committee for the Chief of Police, dated June 8, 2015 erroneously references Mass General Law Chapter 279, Section 5. The docket item references the proper wording with Chapter 279, Section 5 of the Acts of 1992.

Committee members were provided with Chapter 279, Section 5 of the Acts of 1992, attached to this report. Section 5 states in part for all subsequent appointments, a selection committee of nine persons shall be established to assist in the selection process.

Ms. O'Neill joined the Committee for discussion on this item. She provided Committee members with a *revised* (10 members) Police Chief Search Committee members' list, attached to this report. She explained that one additional member was chosen due to two separate City Police Unions, the Newton Police Association and the Newton Superiors Association.

The Committee expressed their concerns and questions. Committee members reviewed the recommended names of the Search Committee members asking Ms. O'Neill to explain how the members were chosen and requested their resumes and/or biographies be provided on the potential individuals of the Search Committee.

Some members stated that they encourage the Search Committee consider both internal and external candidates. A Committee member disagreed and felt that the Search Committee should only look at internal candidates first, and then consider external candidates if an internal candidate is not appropriate. A Committee member said that in 2013, the Search Committee only considered internal candidates. A suggestion was made to 'post' the job outside the City.

Ms. O'Neill stated that five members including Ms. Gherin, Honorable Bletzer, Chief Hicks, Ald. Ciccone and Ms. Kazarian served on the Chief of Police Search Committee in 2013.

A suggestion was made to create a new item urging the Executive Department and Search Committee to consider both internal and external candidates.

Without further discussion, Ald. Fuller made the motion to docket #155-15(2). *Public Safety & Transportation Committee recommending that the Mayor and the Search Committee for the Chief of Police consider both internal and external candidates.* Committee members agreed 6-0, to docket this item.

Without further discussion, Ald. Fuller made a motion to hold item #155-15 pending resumes and/or biographies be provided on the potential individuals of the Search Committee. Committee members agreed 6-0.

**DISCUSSION ITEM:** Chairman's Note: At the Chair's request, Lt. William Spalding, Newton Police Department, will discuss the Newton Police Jail Diversion Program (JDP) awarded through the Edward J. Byrne Memorial Justice Assistance Grant.

**NOTE:** In June 2015, the Finance Committee approved this grant. At that time, it was suggested that it would be appropriate for this Committee to be briefed on the new program, as it is a change to the Police Department's program. Chair Ciccone graciously agreed to invite Lt. Spalding to discuss the grant tonight.

Lt. Spalding joined the Committee for discussion on this item. He explained that the Police Department was awarded a grant of \$99,633.60 allowing a clinician to ride along with and work full time with the Newton Police officers. The proposed Newton Police Jail Diversion Program (NJDP) is a police-based, pre-arrest diversion program that will prevent individuals with a major mental illness, emotionally disturbed or substance abuse users from being arrested when mental health treatment is more appropriate. The clinician would assist the police in determining the most appropriate treatment for the individual when called to respond to disturbances.

The clinician will be an employee of the Riverside Community Care, but will be working full-time for 14 months out of the main police station on the 3:30pm-11:30pm shift, Monday through Friday. The grant would also provide a four-hour training session for all police officers on the new program.

Committee members said they support the program and would like that the clinician work weekends. They then asked if the department has experienced any issues with 'non' police officers riding along. Lt. Spalding answered that Riverside Community Care provides 24-hour response care and would be able to assist the department during off hours. He then said that the clinician would sign appropriate documents prior to beginning this position.

Acting Chair Harney and the Committee members are supportive of the program and thanked Lt. Spalding for his presentation.

The Committee adjourned at approximately 7:45 pm.

Respectfully submitted,

John Harney, Acting Chairman



SETTI D. WARREN  
MAYOR

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#155-15

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June 8, 2015

Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

In accordance with Mass General Law Chapter 279, "An act exempting the position of Chief of Police in the City of Newton from the provisions of the Civil Service Law", Section 5 – Selection Committee, I write to request that your Honorable Board docket for consideration a request to approve the appointment of the attached list of appointees to assist in the selection of a successor to Chief Howard Mintz, who will be required to retire by November 30, 2015 after having attained the age of 65 years old.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren  
Mayor

RECEIVED  
Newton City Clerk  
2015 JUN -8 PM 5:41  
David A. Olson, CMC  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

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**Chap. 278**

to appoint two alternate members to its municipal commission on disability.

**SECTION 2.** This act shall take effect upon its passage.

Approved December 23, 1992.

**Chapter 278. AN ACT DESIGNATING A CERTAIN BASEBALL FIELD IN THE CITY OF SOMERVILLE AS THE FRANK OLIVETO, JR. BASEBALL FIELD.**

*Be it enacted, etc., as follows:*

The metropolitan district commission baseball field located at Foss Park, known as the minor league B field, in the city of Somerville shall be designated and known as the Frank Oliveto, Jr. Baseball Field in memory of Frank Oliveto, Jr. A suitable marker bearing said designation shall be attached thereto by said commission.

Approved December 23, 1992.

**Chapter 279. AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE CITY OF NEWTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW.**

*Be it enacted, etc., as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, the position of chief of police in the city of Newton shall be exempt from the provisions of chapter thirty-one of the General Laws. The person holding such position shall be deemed to be a managerial employee for purposes of chapter one hundred and fifty E of the General Laws.

**SECTION 2.** The provisions of chapter four hundred and sixty-eight of the acts of nineteen hundred and eleven shall be inapplicable to the city of Newton.

**SECTION 3.** The mayor of the city of Newton is hereby authorized to appoint the chief of police. The mayor is further authorized to enter into an employment contract with the chief of police for a term of not less than five or more than seven years, and provided that no such contract shall be entered into for a term of years which would result in its final year coinciding with any year in which a regularly scheduled mayoral election is to be held. The contract shall include a provision for a yearly job performance evaluation. The same person may be appointed to an unlimited number of terms as chief of police.

**SECTION 4.** Solely for the first appointment made pursuant to this act, the candidates for the position of chief of police shall be limited to those persons

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**Chap. 279**

holding the position of captain in the police department of the city of Newton as of the effective date of this act. For the first appointment made pursuant to this act, no search process, as described in sections five to seven, inclusive, shall be required. The person who is appointed from his position as captain to the position of chief of police under this section, shall be entitled to retain certain civil service rights as follows: In the event that such person is not reappointed to or resigns from the position of chief of police, he shall be entitled to an appointment as a captain in said police department; provided, however, that any conduct of such person that occurred while serving as chief of police that led to his non-reappointment or resignation shall become part of his record as captain and shall render him subject to any civil service disciplinary proceedings upon his reappointment as captain. Upon such reappointment, he shall re-obtain whatever civil service rights and status he had as of the date he was appointed to the position of chief of police.

In addition, the number of years served as chief of police shall be credited to him for purposes of his civil service rights and benefits.

**SECTION 5.** For all subsequent appointments, a selection committee of nine persons shall be established to assist in the selection process. The committee will be made up as follows:

- (1) One member of the board of aldermen, appointed by the president and subject to the approval of said board of aldermen.
- (2) One Newton citizen appointed by the board of aldermen under the same process as clause (1).
- (3) One representative of the Newton Police Association, appointed by said association.
- (4) One business executive of the city of Newton.
- (5) One attorney.
- (6) One member of the judiciary, active or retired.
- (7) One member of the Massachusetts Police Chief's Association, except a former police chief, from the city of Newton.
- (8) Two citizens of the city of Newton.

Committee members appointed in clauses (4) to (8), inclusive, shall be appointed by the mayor and approved by the board of aldermen in accordance with the procedures set forth in section 3-3 of the charter of the city of Newton. Every effort shall be made to include not less than four women on the selection committee.

**SECTION 6.** A professional consultant may be hired by the selection committee to assist with the applicant screening process which may include a program of job simulation exercises, interviews and testing.

**SECTION 7.** The selection committee shall recommend five to seven candidates for the position of chief of police. The mayor may appoint a chief from such candidates. If none of the recommended candidates is appointed, a new search shall be initiated.

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**Chap. 280**

**SECTION 8.** On or before ninety days prior to the expiration of the contract of employment of the chief of police, the mayor shall notify the board of aldermen in writing of his determination as to whether he will or will not reappoint the incumbent chief. Depending upon the mayor's determination of this matter, the following shall apply:

(a) In the event that the mayor determines that the existing chief be reappointed for a new term pursuant to a new contract of employment, said reappointment shall be made in accordance with the procedure set forth in section 3-3 of the charter of the city of Newton.

(b) In the event that the mayor determines that the incumbent chief not be reappointed to a new term of employment, notwithstanding section 3-3 of the charter of the city of Newton, the board of aldermen may override the mayor's decision and effectuate said reappointment by a two-thirds vote of the full board; provided, however, that the board acts within ninety days of receipt of the mayor's notice in writing to the board of aldermen of his determination not to reappoint. The validity of any such appointment effectuated by the board of aldermen's vote pursuant to this paragraph shall be subject to the successful negotiation and execution of an employment contract between the mayor and the proposed appointee.

**SECTION 9.** The mayor of the city of Newton may convene a special review committee to review the selection process outlined above, including issues of screening, reappointment, as detailed in sections five to eight, inclusive. The review committee shall report to the mayor and the board of aldermen by July first, nineteen hundred and ninety-six. The review committee shall be made up as follows:

- (1) Two members appointed by the mayor.
- (2) Two aldermen appointed by the board of aldermen.
- (3) One member of the Newton Police Association appointed by said association.
- (4) Four members of the public, two of whom shall be appointed by the mayor and two of whom shall be appointed by the board of aldermen.

**SECTION 10.** This act shall take effect upon its passage.

Approved December 23, 1992.

**Chapter 280. AN ACT EXEMPTING THE TRANSFER OF A CERTAIN PARCEL OF LAND IN THE TOWN OF OXFORD FROM CERTAIN BIDDING LAWS.**

*Be it enacted, etc., as follows:*

**SECTION 1.** The sale, lease, conveyance or other alienation of any interest in

*Revised with 10 persons.*

**Provided by Mary O'Neill, Recruiting Manager  
to Public Safety & Transportation Committee on  
07-13-15 for discussion.**

**A selection committee of nine persons shall be established to assist in the selection process. The committee will be made up as follows:**

- 1: Board of Alderman:** Alderman Allan Ciccone, Jr
- 2: One Newton resident appointed by Board:** Joanne Kazarian
- 3: Newton Superiors Police Association:** Sgt. John O'Connell
- 4: Newton Police Association:** Officer John Panica
- 5: Business Executive:** Seana Gaherin
- 6: Attorney:** Lei Reilly, Esq.
- 7: Judiciary:** Honorable Conrad J. Bletzer
- 8: MA Police chief's Association:** Natick Chief of Police James Hicks
- 9: Two Newton Citizen appointed by Mayor:** Rosalind Johnson, Lisa Jones



## Newton Police Jail Diversion Program

Based on the Framingham Jail Diversion Program Model  
By Lt William Spalding  
In collaboration with Sarah Abbott Ph.D.

Over the past year Chief Mintz, Captain Berube and Lt. Spalding of the Newton Police Department have met with Sarah Abbott and Sarah Cloud of Advocates Inc. to discuss the possibility of bringing a Jail Diversion Program (JDP) program to Newton and to secure funding through the Edward J. Byrne Memorial Grant through Massachusetts Executive Office of Public Safety and Security (EOPSS). Advocates Inc. currently runs JDPs in many of the surrounding communities that they provide Psychiatric Emergency Services for, similar to what Riverside Community Care currently does for Newton. After many hours of preparation the grant proposal was submitted in late January of 2015 and in early June 2015 we received notification that the grant was awarded to the police department in the amount of \$99,633.60.

The Newton Police Department will be working with Riverside Community Care to hire and train the clinician for Newton's JDP. The clinician will be an employee of Riverside Community Care, but will work full time out of the police station.

The Newton Jail Diversion Program (NJDP) proposes to address the program priority of Improving coordinated responses to mental health. The jail diversion model is data-driven, as the data reported in the needs section show the high prevalence of people with mental illness engaged in the criminal justice system. Data collected by the Newton Police Department show the regular volume of calls received by police related to individuals with mental illness or substance abuse issues. Recent 911/call for service analysis shows that during the year of 2013, the Newton Police Department had over 51 calls for completed, attempted or threatened suicides, 38 intoxicated persons, 134 psychological evaluations, 360 domestic disturbance calls and 39 overdoses. In 2014, the Newton Police Department had over 38 calls for completed, attempted or threatened suicides, 35 intoxicated persons, 127 psychological evaluations, 277 domestic disturbance calls and 38 overdoses. Data is also used to determine the best way to implement the program model and deliver services most effectively. After evaluating our data and the data of the other successful programs in the area we will be having the clinician work the 330pm-1130pm shift Monday through Friday.

The proposed NJDP is a police-based, pre-arrest diversion program that will prevent individuals with a major mental illness from being arrested when community-based mental health treatment is more appropriate. The NJDP will pair a Master's Degree level trained social worker (clinician) with patrol officers on the 3:30pm-11:30pm shift, five nights a week. The clinician will assist the police in determining the most appropriate disposition for the mentally ill when called to respond to disturbances in the Newton community.

## #142-15(2)

A four (4) hour orientation training will be provided to all the police officers. The orientation training consisted of two sections: The first section provides an overview of the different categories of mental illness, common signs and symptoms, medications used to treat mental illness and de-escalation techniques for first responders. The second section covers the genesis of the Jail Diversion Program, the operational aspects of the program, information on how to access the clinicians and scenarios under which the program clinicians could be helpful. (*Sarah Abbott*)

Another key component of the program model will be the development of an active network of stakeholders to include Riverside Community Care and the Newton Police Department, along with other social service providers in the community and appropriate representatives from the criminal justice system.

The Grant covers funding for the program for 14 months, but can be extended when the program proves to be successful.