

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, MAY 8, 2013

Present: Ald. Ciccone (Chair), Fuller, Yates, Kalis, Harney, Johnson and Swiston

Absent: Ald. Schwartz

City Staff: Chief Howard Mintz, Captain Marc Gromada and Sgt. Jay Babcock, Newton Police Department; Robert Rooney, Chief Operating Officer

Others Present: Deo Tumwine, Horizon Bus Line

#148-13 ALD. YATES, requesting a report from the Police Chief on the amount of funding for police training mandated by the state but unfunded and a report from the City Solicitor on individual or multi-community efforts to obtain relief from this unfunded mandate. [04/05/13 @ 9:11 AM]

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: Chief Mintz, Robert Rooney and Captain Gromada joined the Committee for discussion on this item.

Ald. Yates said that he docketed this item because the State mandates training for Police, but is not willing to fund it. Committee members reviewed the results and recommendations in the Special Commission on Massachusetts Police Training Report, dated July 2010, attached to this report.

Chief Mintz stated he recently attended a Massachusetts Chief Police meeting discussing this issue and related concerns. He stated that the training chart compares the per capita allocation of state funding. Massachusetts ranks 47 out of 50 states paying the lowest amount at \$187 per officer. The second lowest paying state is Washington paying \$368 per officer. The highest paying state is Vermont paying \$1,525 per officer.

Chief Mintz stated that the State has a deficit of 5 million dollars and cannot begin offering in-service training academies. Currently, the State has approximately 2.5 million dollars. There is an item before the State Senate requesting training funds for Police training; but assistance is not looking hopeful. Chief Mintz intends contacting Senator Creem requesting her assistance.

Chief Mintz stated that the City is not receiving State training funds. In the past, officers were able to attend regional academies in order to complete necessary requirements. The State required 32 hours in FY13 and 40 hours in FY14 for Police training. The department offers in house, in-service training but they did not make the mandated 32 hours this fiscal year. The department trained each officer 16 hours being compliant with firearms training, defensive tactics, CPR and first responders. Some officers exceeded the 16 hours by attending special school. The department did not train on constitutional law and criminal law. The department purchased and issued each officer with a training book and training bulletins. All completed

trainings are documented within the department. In-service training program takes approximately 20-22 weeks, making it difficult for officers to complete due to mandated shifts drawing on overtime funding.

Committee members expressed their concerns regarding the specialized training courses no longer offered by Municipal Police Training Committee (MPTC). Chief Mintz addressed examples of specialized training courses no longer offered due to budget constraints. Examples include the following: Arson investigation, accident investigation, languages, drug raid planning and investigation, background investigation, criminal investigators school, management classes, stress programs, collection/preservation of evidence, prosecutor program, K 9 training, fingerprinting training and internal affairs investigation. Unfortunately, the lack of Police training funds negatively impact four areas of police training including impact on basic recruit training, in-service training, specialized training and reserve/intermittent training. Chief Mintz stated officers are mandated to complete as a first responder, CPR, firearms training and use of force policy. He is hopeful next fiscal year the department will be able to provide and train officers 32-40 hours.

Committee members stated that training is not available through the MPTC and asked if the Police Department budget could include training expenses? Chief Mintz answered that part of his assessment is to address training issues. Captain Gromada stated that the department has held Asperger Syndrome, Autism and mental health training reciprocating with surrounding communities. On-line training is also available. Are officers, citizens and is the City at risk without appropriate training? Chief Mintz said that he feels at this time, the department is in 'very good shape'.

Chief Mintz stated that on July 1, the department would have ten patrol officer vacancies and one patrol officer who will be transferred back to Newton (7 new positions plus 4 positions approved in the override). The department is in the process of discussing sites for academy training.

Chair Ciccone stated that Ald. Kalis was appointed to the sub-committee addressing Police Department personnel. Mr. Rooney stated that Chief Mintz is in the process of conducting a 45-day department assessment on personnel and will provide his report in June. He then said the City is aware of the training issues.

Ald. Yates made motion for no action necessary. Committee members agreed 7-0.

#35-13 ALD. YATES, requesting an update from the Chief of Police on the status of the recommendation of the Police Department on school security in a 2008 report.
[01/14/13 @ 1:34 PM]

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: Chief, Mintz, Robert Rooney and Sgt. Babcock joined the Committee for discussion on this item.

Ald. Yates said that he docketed this item requesting an update to determine if the School Department has made progress on the security report and if recommendations made by the Police Department have been implemented.

Chief Mintz stated that in 2007, the Police Department received a \$10,576 grant to offset costs associated with the Police Department personnel conducting comprehensive security threat assessments in 21 City buildings including schools providing general recommendations for improvement. In 2008, the Police Department submitted their evaluation to the School Department. At that time, the School Department made progress including lock downs and drills. In 2010, the Police Department received an additional grant of 10,000 to support overtime costs to monitor the enforcement of sales regulations to intoxicated patrons and to perform compliance checks to enforce laws against alcohol sales to minors. Since that time, the School Department has made significant progress and their efforts continue.

Committee members asked Chief Mintz if he is comfortable with the School Departments progress made on the department recommendations. Chief Mintz answered all schools are in the process of installing door buzzer systems with remote locks and cameras. The doors at the schools will be locked after school begins and in order to enter, a person will need to be buzzed into the school after they have been viewed on camera. Newton North and Newton South High Schools have cameras.

Committee members asked if the Angier School project manager or architect have contacted the Police Department regarding school security. Chief Mintz was not aware if the department was consulted. Mr. Rooney answered that the architect is well aware and conscious with security issues including pros and cons of security locations and technology involved. Sgt. Babcock answered that the Angier and Carr Schools have discussed security measures with both architects.

Without further discussion, Ald. Johnson made motion for no action necessary. Committee members agreed 7-0.

#149-13 DEO TUMWINE, 24 Crescent Street, Suite 307, Waltham, MA 02453,
requesting **two (2) new bus licenses** for HORIZON BUS LINE. [04/02/13 @
1:24 PM]

ACTION: APPROVED 7-0

NOTE: Deo Tumwine and Sgt. Babcock joined the Committee for discussion. Sgt. Babcock stated he rejected the original submitted bus route because he did not want the bus traveling on Newton streets. He made changes and approved the final bus route to Riverside Station stating that Horizon Bus Line is to travel only on I-95 to Grove Street accessing Riverside Station.

Mr. Tumwine said it is his intention to obtain permission from the City in order to serve the public by providing a fifty-seven passenger bus service. Passengers will be transported to and from New York making stops in Woburn, Cambridge, Waltham and Newton Riverside Station. Bus service is open to the public and the rate is \$27.00 per passenger.

Without further discussion, Ald. Yates made motion to approve this item. Committee members voted to approve this license by a vote of 7-0.

#69-12 DANIEL HERMON, One International Place, 100 Oliver Street, Suite 1400, Boston, MA 02110 requesting issuance of a van license to operate Dan's Coach in Newton. [03/08/12 @ 2:16 PM]

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: Chair Ciccone stated the application is over one year old. As requested, the applicant never submitted necessary documents to complete his application.

Without discussion, Ald. Johnson moved no action necessary. Committee members agreed 7-0.

At approximately 9:30 pm, Ald. Harney made the motion to adjourn. Committee members agreed 7-0.

Respectfully submitted,

Allan Ciccone, Jr. Chairman

State mandates training for police, but won't fund it

By Katheleen Conti

Globe Staff / March 6, 2013

If there was any hope to be gleaned from a 2010 report finding that Massachusetts ranked third from the bottom nationwide for funding police training, it was that the report would lead to a remedy.

But nearly three years later, frustrated law enforcement officials around the region say that basic and specialized training, from fingerprinting to dealing with the mentally ill, continue to be underfunded, and next year local departments won't receive any state money at all.

Dan Zivkovich, executive director of the state committee that sets training standards, acknowledges shortcomings due to declining state revenues.

It wasn't long after he took the helm of the Municipal Police Training Committee in 2009, at the height of the recession, that his budget was cut about 20 percent, to \$2.5 million. After fixed costs, including personnel, the committee is left with about \$200,000 to allocate for training courses and instructors, he said.

"There have been trade-offs in this transition from 40 employees to 21," said Zivkovich. "Our training records are not what they should be. Our trainer certifications are mediocre. Training programs have become stale. . . . We as an agency have not taken the time to make the curriculum updated and uniform. Even our own academies were teaching the same curriculum in different ways."

Despite the lack of state funds, the committee still sets annual training requirements, develops the curriculum, and provides instructors for local, environmental, and University of Massachusetts police.

Typically, the committee has required 40 hours of training per officer per year, and paid for instructors, but has relaxed the requirement the past two years because of budget constraints. However, when the new fiscal year starts on July 1, the 40-hour requirement will be reestablished, but the committee won't allocate any money for professional development, leaving local police to foot the entire bill.

Instead, the agency will dedicate its budget entirely to revising the curriculum for recruits, last updated 20 years ago, said Natick Police Chief James G. Hicks, who is also a voting member of the Municipal Police Training Committee.

"The frustration level that I see is maybe the legislators don't feel [funding the training] is their area of responsibility, that maybe it's up to individual departments," said Hicks, who is also president of the Massachusetts Chiefs of Police Association. "Given a choice, police departments are going to do what's best for them, and if it's best for them not to do any training, that's what they're going to do, and that's not adequate enough."

Shifting costs to local police departments can lead to disparities in training between those in wealthier communities, which may be able to afford special instruction in areas like cyber crime, and those in poorer areas, said Everett Chief Steven A. Mazzie.

"It's gotten pretty bad," Mazzie said. "We try to be creative. We try to find free training when we can. We do a lot of online training."

Of his \$15,000 training budget, Mazzie said he spends \$7,000 on online training alone for his 91 officers. Promoting someone to detective probably means sending him or her out of state to be trained in new duties, like how to conduct rape investigations, he said.

"In this profession, everybody has to be trained because you can use force that can result in the death of somebody," Mazzie said. "When I hear that \$2.5 million covers all [training] . . . it disturbs me. People are relying on us to provide these services."

#148-13

Echoing police frustrations, a national study released last month by Cambridge-based Strategies for Youth found Massachusetts among the states that underfund new officer training programs, particularly in the treatment of juveniles.

“Every failed social policy or problem gets dumped in police officers’ laps, and they’re given one tool: arrest. And that’s not fair to them,” said Lisa Thureau, the organization’s founder and executive director. “The number one person people call when they’re having problems with kids is police. It’s not in my interest to blame the police; it’s in my interest to say we need to support them.”

The 2010 study found the state pays \$187 on training per officer annually, compared with Vermont’s \$1,525 and New Hampshire’s \$933. In what could be the first positive sign since the study, legislation has been filed on Beacon Hill that would shift police training funding away from the state budget and onto automobile insurance companies by way of a surcharge on policyholders.

Page 2 of 2 --

The bill’s lead sponsor, Senator James E. Timilty, a Walpole Democrat, cochaired the special committee that led the 2010 study.

If every auto insurance holder in the state paid an annual \$3 surcharge, it could generate an estimated \$5 million for the training committee, Zivkovich said. The idea is modeled after the state’s firefighter training program, which is fully funded by a 0.5 percent surcharge on homeowners’ insurance policies.

A similar proposal calling for an auto insurance surcharge was unsuccessfully introduced in Governor Deval Patrick’s budget last year. That left some law enforcement officials feeling discouraged about the current bill’s chances, said Plymouth Police Chief Michael E. Botieri.

“It’s an unfunded mandate,” Botieri said. “Each chief keeps their officers trained to the level that they think is appropriate. You won’t be called to task on it until a lawsuit is filed and you have to account for it. I don’t want to be the chief to say, ‘I didn’t train [my officers] because the state didn’t fund us.’”

Katheleen Conti can be reached at kconti@globe.com. Follow her on Twitter [@GlobeKConti](https://twitter.com/GlobeKConti). ■

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Special Commission on Massachusetts Police Training

Results and Recommendations of the Special Commission
on Massachusetts Police Training

Senator James E. Timilty, Co-Chair
Representative Michael A. Costello, Co-Chair

July 2010

Special Commission Members:

Senator Jim Timilty (Senate Chair)
Senator Stephen Brewer
Senator Scott Brown
Representative Michael Costello (House Chair)
Representative Linda Dean-Campbell
Representative Karyn Polito
Secretary Mary Elizabeth Heffernan (Executive Office of Public Safety and Security)
Colonel Marian McGovern (Massachusetts State Police)
Commissioner Harold Clark (Department of Correction)
Chief Jim Hicks (Massachusetts Police Training Committee)
President Rick Brown (State Police Association of Massachusetts)
Chief Mark Leahy (Massachusetts Chiefs of Police Association)
Ken Scanzio, (Massachusetts Coalition of Police)
Sheriff James DiPaola (Massachusetts Sheriffs' Association)
Charles Famaloro (Massachusetts Harbormasters)
Executive Director Dan Zivkovich (Massachusetts Police Training Committee)
Executive Director Wayne Sampson (Massachusetts Chiefs of Police Association)
Chief Terry Cunningham (Massachusetts Chiefs of Police Association)
Chief David Bousquet (Massachusetts Association of Campus Law Enforcement Administrators)
President Karen Leary (Massachusetts Association of Campus Law Enforcement Administrators)

Tables of Contents

Introduction 4

Executive Summary 4

History Massachusetts Police Training 5

Timeline of the Municipal Police Training Committee (MPTC)..... 5

Evolution of Police Training and the MPTC 5

The MPTC Today 7

Overview and Goal 7

Training Centers 7

Training Types 8

Funding for Massachusetts Police Training 9

Funding History 9

Comparison of Police Training Funds by State 11

Impacts of Chronic Underfunding 11

The Vision for Police Training in the Commonwealth 17

Delivery 17

Facilities 19

Programs and Standards 20

Considerations for a Statewide POST System 21

Changes to General Laws 22

Funding 23

Funding 23

Nexus between Law Enforcement and Insurance Companies 25

Recommendations 27

Introduction

Chapter 3 of the Resolves of 2008 established a special commission to conduct an examination of the feasibility of creating a statewide law enforcement training program to coordinate municipal law enforcement training, as well as the feasibility of creating more efficient law enforcement facilities, staffing instruction, and preparedness. In addition, the commission was also tasked with studying and making recommendations relative to the training provided to law enforcement officers in handling incidents involving persons with mental illness.

The commission is required to report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the same with the clerks of the senate and house of representatives.

The inaugural meeting of the commission was held on September 10, 2009. Several additional meetings and a public hearing ensued, with the public hearing being conducted on December 1, 2009. This report will serve as the commission's investigation findings and formal recommendations.

Executive Summary

After gathering testimony, conducting extensive research, and discussing the many facets of police training, the commission brings forth three recommendations:

1. Establishment of an adequate, consistent, dedicated funding stream for police training.
2. Implementation of a statewide Peace Officers Standards and Training (POST) system within the Commonwealth.
3. Recognizing that issues pertaining to mental illness require specialized training, the MPTC should continue to update and refine such training for implementation on a statewide basis.

History of Massachusetts Police Training

Timeline of the Massachusetts Police Training Committee (MPTC)

- 1964 The Legislature passed the first general law requiring police officers in cities and towns with populations greater than 5,000 to complete a recruit training course and created the Municipal Police Training Council to set and oversee training standards.
- 1968 The Legislature added an in-service requirement.
- 1972 The 5,000-persons population exemption was removed and a requirement for supervisory training was added.
- 1973 MPTC becomes Massachusetts Criminal Justice Training Council (MCJTC) and was given statewide jurisdiction; although it continued to focus on municipal police training.
- 1997 Recruit officer curriculum and standards were developed.
- 2002 MCJTC becomes the Municipal Police Training Committee (MPTC) with its mandate narrowed to municipal police training only.
- 2008 Legislation is enacted to create a special commission to investigate and study the feasibility of establishing a statewide law enforcement training program and to discuss funding mechanisms.

Evolution of Police Training and the MPTC

In 1973, the Massachusetts Criminal Justice Training Council (MCJTC) was formed to oversee the expanding training requirements and increase in the number of law enforcement agencies being trained. The MCJTC provided training to municipal officers as well as other law enforcement agencies such as the environmental police, campus police, sheriffs, and harbormasters (Scheft Report, 2006).

In 1988, the MCJTC reassessed their training philosophies and delivery due to the tragic death of a recruit and the hospitalization of 11 trainees during a recruit training class. This incident resulted in ending the regular collaboration with the state police, as well as a dramatic decrease in funding for the agency. Concurrently, a plan to restructure the MCTJC was developed and began to take form. The result was the development of the MPTC and the elimination of the MCTJC. The main differences between these agencies were twofold. First, the composition of the MPTC was weighted towards municipal chiefs of police when the number of voting members was increased. Second, the MPTC was tasked

#148-13

with exclusively setting standards for, and training of municipal officers, while the MCJTC was focused on setting statewide training standards for a broader range of law enforcement disciplines.

An independent study commissioned in 2005 concluded that the MPTC “is currently unable to provide the volume and quantity of training services necessary to satisfy the existing needs and expectations of the municipal law enforcement agencies...” (Scheft Report, 2006). This echoed comments from an earlier assessment stating, “The level of funding that is being provided to the Council at the present time is woefully insufficient, and not very realistic. The Council is simply not able to provide the AMOUNT (much less, the QUALITY) of training services that is necessary... to maintain the level of professionalism that is required today.” (Johnson, 1996, emphasis in original)

Currently, the state police sets standards for and oversees the training for its troopers, and a training committee was recently established to set training standards for harbormasters. However, several law enforcement disciplines do not have oversight bodies for setting training standards, such campus police and environmental police.

The MPTC Today

Overview and Goal

Currently, the Committee is made up of eleven voting members and sixteen non-voting, advisory members that serve to provide guidance regarding municipal police training. The membership includes representatives from state and local police agencies, the Attorney General, the Judiciary, Probation and Parole, Corrections, the Department of Personnel Administration, and the Executive Office of Public Safety and Security (EOPSS). The MPTC and their advisory members work to develop and deliver training designed to improve the skills and performance of municipal police officers statewide.

The goal of the Municipal Police Training Committee (MPTC) is to set policies and standards for the training of all municipal police officers in the 351 cities and towns in Massachusetts. The MPTC delivers training through a statewide system of regional police academies and training centers operated by MPTC, and works collaboratively with the local and state police agencies that also provide training to municipal officers. Each year the MPTC sets training standards and makes training available for approximately 16,000 municipal officers.

One problem with the current organizational structure is confusion caused by having the advisory committee and the staff both referred to as the Municipal Police Training Committee. This results in references to "the MPTC committee," which is redundant, to differentiate from "the MPTC staff."

Training Centers

MPTC staff implements and oversees training standards for all municipal police training as well as training programs at the regional academy sites operated by the agency.

The MPTC operated sites include:

1. MPTC Headquarters at Randolph
2. Boylston Regional Police Academy
3. Plymouth Regional Police Academy
4. Reading Regional Police Academy
5. Western Massachusetts Regional Police Academy at Springfield
6. Randolph Regional Police Academy (currently collocated with MPTC headquarters)

Other agencies conducting MPTC-approved basic recruit officer training include:

1. Boston Police Department
2. Lowell Police Department
3. Springfield Police Department
4. Worcester Police Department
5. MBTA Transit Police

Moreover, the MPTC partners with many local agencies to deliver training utilizing police department training sites. Additionally, many agencies conduct professional development training in-house.

Training Types

The MPTC provides training in four general areas:

Basic Recruit Training: a comprehensive 800-hour/20-week training program with hands-on classroom instruction. This training is provided for all new municipal police officers and other new officers, such as campus police officers when space is available.

Veteran Officer Annual Professional Development: a program for veteran officers to ensure they are current in the latest developments in policing and technology. Hours and topics are set annually by the Committee.

Veteran Officer Specialized Training: focused training for officers in specific areas such as Investigator Basic Training, Sexual Assault, Suicide Prevention, Crime Prevention, Sergeant's Basic Training, Domestic Violence and Racial Profiling.

Reserve/Intermittent Officer Training: training program designed and delivered for part-time municipal police officers including reserve/intermittent basic officer training and annual professional development.

Funding for Massachusetts Police Training

Funding History

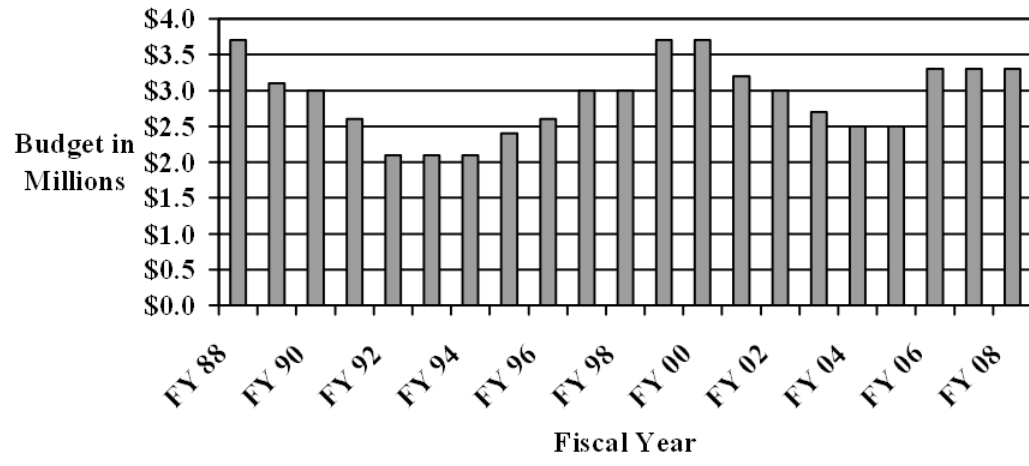
The funding for police training in Massachusetts is derived from two sources; 1) fees charged to municipalities for basic recruit training which are placed into a retained revenue account and 2) an annual appropriation by the legislature.

Although veteran officer training is offered at no cost to departments and officers, municipalities are charged a \$2,500 fee for the training of municipal police recruits. This fee is placed into a retained revenue account which the MPTC can draw down upon for expenses related to basic recruit training, The amount of the fee which can be charged to municipalities is set by the legislature and currently covers the majority of the recruit's training expenses. However, the actual cost to train a recruit officer is closer to \$3,000 per student, and the MPTC budget must make up the difference for every recruit that is trained.

The annual appropriation from the legislature pays for salaries, and for the infrastructure and operational costs of the agency. It also pays for all the training programs offered to veteran police officers as well as the aforementioned differential between the fees for basic recruit training and the actual costs.

The chart below illustrates the history of the appropriation funding for the MCJTC/MPTC over the last two decades.

Police Training Budget History



As can be seen, the budget has fluctuated considerably over the years. The current budget is less than that was in FY00. **When adjusted for inflation, the decline is much more dramatic.** The FY88 budget of \$3.7 million equates to a budget of \$6.7 million in FY09 (using the Consumer Pricing Index). When adjusting the FY99 budget dollars to FY09, the FY99 funding of \$3.7 million

#148-13

translates to \$4.8 million in FY09. The actual FY09 budget was dramatically lower at \$2.9 million. The consequence of this long decline in funding is an equally dramatic reduction in services. In the 1980s, the MCJTC had almost 60 employees and engaged in curricula development, program monitoring and assessments, and the tracking of training hours. Today, the MPTC has only 24 employees and provides limited levels of training with little ability to monitor, assess, and track the training.

Comparison of Police Training Funds by State

A 2008 state-by-state comparison of police training funding indicates that Massachusetts pays substantially less in state funds than other states to train its municipal police officers. In 2008, Massachusetts had a budget of \$2,911,398 to train 15,568 police officers; this translates to \$187 spent on training for each officer.¹

The chart below compares the per capita allocation of state funding in a number of states (the total budget divided by the number of officers). Training allocation in this sampling ranges from \$187 to \$1,525. Massachusetts pays the lowest amount at \$187. The state with the second lowest per officer cost, Washington, is nearly twice that of Massachusetts, \$368.

State	Total Budget	# of Officers	Per Officer \$
Massachusetts	\$2,911,398	15,568	\$187
Washington	\$9,537,827	25,888	\$368
Illinois	\$15,000,000	39,500	\$380
Pennsylvania	\$10,541,358	24,609	\$423
Maine	\$1,600,000	3,500	\$457
Connecticut	\$3,156,533	6,250	\$505
Arizona	\$7,700,000	14,500	\$531
Maryland	\$8,400,000	13,100	\$641
California	\$60,300,000	91,000	\$662
Florida	\$52,960,000	80,000	\$662
South Carolina	\$10,541,358	14,000	\$752
New Hampshire	\$3,929,211	4,211	\$933
Kentucky	\$17,800,000	15,000	\$1,186
Vermont	\$2,700,000	1770	\$1,525

Impacts of Chronic Underfunding

The commission found that the chronic underfunding of the MPTC has significantly affected the following areas of training:

Curriculum:

- The absence of consistent, adequate funding prevents the MPTC from engaging in and implementing multi-year, progressive training plans.
- The MPTC curriculum for basic recruit training has not been overhauled in over a decade.
- The MPTC does not have sufficient funding to send instructors to advanced training. As a result, the MPTC must rely on instructors to keep updated on their own. Just as significantly, there are insufficient

¹ This calculation does not include funds paid for basic recruit training by municipalities.

resources to monitor that the instructors' programs are remaining up-to-date in their subject matter .

There is very limited funding available to bring in outside resources and subject matter experts to develop new or updated curricula in most areas of instruction.

Consequently, the MPTC lacks the ability to develop assignment-specific career training paths for critical functional areas, such as supervision, investigations, and administration.

And due to the staffing shortage, a comprehensive development of new programs for basic recruit, in-service and specialized training within the MPTC is simply not possible. Likewise, staffing shortages also preclude the ability to establish a system of program review and monitoring to measure efficacy and verify consistency of training.

Instructors:

Currently, no funding is available for the MPTC to conduct evaluations of instructors and their material. As such, there is no mechanism to track uniformity among the academies and confirm that classes and instructors are meeting minimum standards.

There are no resources available to provide professional development services to instructors.

The MPTC must rely on an informal process to recruit class instructors, as there are no official programs to bring in new instructors to the academies.

MPTC budget reductions have forced the reduction or elimination of instructor training programs for:

- a. Firearms basic instructor training;
- b. Firearms instructor recertification;
- c. Defensive tactics basic instructor training and instructor recertification;
- d. TASER instructor training;
- e. Pepper spray instructor training;
- f. First aid/CPR instructor training; and
- g. Health and wellness instructor training.

Certification:

The MPTC maintains a database of which officers have taken which MPTC sponsored courses. However, deficiencies in staffing and the database limit the type and amount of training data that can be and is entered. The MPTC lacks funding to expand the database to include training programs offered by the departments themselves or attended out of state. Consequently, the Commonwealth lacks a comprehensive compilation of police training, either by department or by officer.

As a result of these deficiencies, the MPTC is currently unable to maintain a central registry of training for all the police officers in the Commonwealth. This means there is no mechanism in Massachusetts to

determine if proper and statutorily mandated training requirements are being met by officers and departments.

Facilities:

The MPTC facilities are all currently leased and all of them are deficient in a variety of ways. For example:

HQ – Randolph: MPTC just entered into a 10-year lease for this former elementary school. There are no available showers for recruits, and the on-site gymnasium is an elementary-school sized gym, which is not sufficient for training 40-plus adult, student officers. As a result, fitness training must be conducted in Stoughton and Abington, creating a disruption in training while student officers commute between the gym and the classroom. The facility has leaks, rusting beams, and other deterioration that does not project a professional image. There is also no range available on-site for firearms training.

Boylston: This space, located in Boylston Town Hall, is also leased. There are no range facilities for firearms training; the weight training room is inadequate; and the shower facilities are antiquated and too small.

Plymouth: There is concern over the escalating rent for this property. There are no on-site gym facilities and there is currently no range available for firearms training.

Reading: Overall, the building space is of poor quality. The area used for basic recruit training is too small and has columns located directly in the middle of teaching space. The area used for veteran officer instruction is also too small and lacks restroom facilities. Officers attending the class must leave the building to use the restroom. There is no range available for firearms training.

New Bedford: One classroom and an office are available for in-service and specialized training only, limiting the ability to host multiple training sessions simultaneously. Basic recruit training cannot be held in this location. There is no range available on-site for firearms training.

Springfield: The gym is not part of the facility and is located off-site. There is no range facility for firearms training.

All the facilities share a significant deficiency: the absence of an emergency vehicle operation training track. This is actually a statewide deficiency. Nowhere in the Commonwealth does such a track exist. Currently, all police driver training is conducted on borrowed airport runways. Although police trainers have made these training venues

suffice, in reality, the sites do not provide optimum training in this high-liability skill area.

Distance Learning:

In the interest of saving agencies time and money and to accommodate staffing challenges, the MPTC added web-based online training programs in 2009. Even though the program is in its infancy, it has been well received and participation is climbing steadily.

Distance learning is generally a more cost effective method to teach a greater number of students. Distance learning saves cities and towns money in overtime-backfill costs since the department can have officers trained without having them travel to academy locations. This also saves costs associated with travel, such as the costs of fuel, vehicle maintenance, and per diems. Distance learning also increases availability of training by eliminating cancellations caused by insufficient student numbers. Because distance learning is more economical and logistically simpler, it enables departments to train every officer instead of merely a percentage and allows the departments to have officers participate in the training at a time convenient to the department.

Unfortunately, the success of online learning may also be its demise. The commission has found that a lack of funding for staff and infrastructure improvements severely curtail the MPTC's ability to meet demands for additional curriculum, and limits its ability to deliver requested training data. The MPTC currently only has the resources to fund one person dedicated to distance learning. Currently, the MPTC can't keep up with the administrative needs and demands for new programs.

The lack of police training funds has also negatively impacted all (4) four areas of police training.

1. Impact on Basic Recruit Training

The basic recruit curriculum has not been overhauled in over a decade. Insufficient funds require that basic recruit training be tuition based. (\$2,500 per officer). This expense is a strain on the cities and towns of the Commonwealth.

Under the tuition-based system, an academy cannot start with less than 40 recruits without suffering an economic loss. As such, recruits sometimes are forced to wait many months for an academy class to start. There is no stable career staff for continuity of education. All instructors are part-time, contractual employees (police officers) whose presence in the classroom is routinely influenced by mandated court appearances or forced department overtime.

2. Impact on In-Service Training

Lack of funds has reduced the number of weeks that in-service training can be offered to officers which drastically reduces the total number of officers trained and the types of training that can be offered.

Lack of funds increases student/teacher ratios.

Regional firearms training and qualifications have been virtually eliminated.

The subject matter of in-service training is driven by what agencies can afford, not the full breadth of public safety needs and requirements.

The annual in-service program covers the same subject matters each year because there are not sufficient funds to develop new curricula.

As with basic recruit training, no consistent, career staff exists.

Program monitoring is insufficient and inadequate.

3. Impact on Specialized Training

Lack of necessary funds has forced the MPTC to reduce statutorily required training programs such as: supervisor promotional training; rape investigations/sexual assault training; suicide prevention training; domestic violence training and hate crimes training.

Underfunding limits the ability to update curricula.

The MPTC is unable to utilize nationally recognized programs, and must solely rely on regional resources.

As previously stated, the MPTC is unable to develop assignment-specific career path training for critical functional areas, such as supervision, investigations, and administration.

Examples of specialized training courses no longer offered by MPTC due to budget constraints:

- Arson investigation
- Accident investigation
- Spanish for police officers (or other pertinent languages)
- Drug raid planning and investigation
- Background investigation
- Criminal Investigators School
- Management classes
- Stress programs for police officers
- Collection/Preservation of evidence
- Police prosecutor program
- K-9 training
- Fingerprinting/AFIS training
- Internal affairs investigation

4. Impact on Reserve/Intermittent Training

Insufficient funding has inhibited the MPTC's ability to provide reserve training.

As a result, the MPTC currently contracts with regional police chief groups to operate regional training programs with subsidies from the MPTC.

#148-13

The police chief groups then charge students officers a fee to offset the costs of the training.

Moreover, the MPTC does not have the resources to develop a progressive training regimen to take reserve officers to the performance and skill levels of fulltime officers.

Police Training Provided to Law Enforcement Officers Regarding Mental Illness

The commission was tasked with studying and making recommendations relative to law enforcement officers in handling incidents involving persons with mental illness. Currently, the MPTC basic recruit curriculum contains a training section entitled "special needs" which encompasses issues regarding mental illness. In addition, training regarding mental illness is part of a first-aid recurring block of in-service training which is generally offered on a three year cycle. With an increased and dedicated revenue stream, programs in this area could be enhanced and offered on a more regular basis.

The Vision for Police Training in the Commonwealth

The commission recommends the following vision for police training in the Commonwealth. Given the aforementioned shortcomings in police training, the commission affirms that the current funding model is not only insufficient for creating the vision outlined below, but more seriously, is negatively affecting the quality and quantity of current police training and police service in Massachusetts. Municipal policing training requires adequate and consistent funding. A dedicated source of funding would allow for strategic planning (rather than survival planning) and would allow for a deliberative vision to be implemented and realized.

The commission recommends the adoption of a Peace Officer Standards and Training (POST) model for the oversight and delivery of police training for municipal police officers. In summary, a POST system is one in which a statewide agency (in this case, the MPTC or its successor) sets statewide training standards, oversees development and approval of training curricula, delivers training as requires, provides program oversight and monitoring, documents training, and provides certification to officers meeting training standards. This model is currently used by most states.

The POST model is designed to address accountability, timely and quality training, consistency, and certification. Additionally, through the proposed strategic plan, the commission recommends that MPTC be empowered and enabled to develop a system to fully hold officers, instructors, and agencies accountable for meeting strict minimum training requirements. This training, in addition, must be provided in a timely manner and must meet the highest standards as it addresses both basic and advanced training needs. It is equally as important that the training be consistent across all agencies. All newly developed and established programs and curricula must be delivered and applied with uniformity and consistency.

Lastly, the commission recommends that MPTC, through the proposed strategic plan, establish a multi-level certification program designed to recognize the attainment of training standards. This certification process would allow officers to produce documentation that confirms they are certified and have met professional standards required to effectively serve. Conversely, certification can also be denied to those officers who do not meet minimum training standards as determined through this model.

The POST model addresses the following five (5) key areas:

1. **Delivery**

- Recruit Officer (RO) training:**

- The commission recommends that MPTC continue to be the cornerstone for and provide Recruit Officer training, but in fewer locations.

The commission recommends that MPTC no longer use a tentative ("float") status for reserve officer training. Sessions will be scheduled to meet demand and once scheduled, will be delivered regardless of class size.

The commission recommends that MPTC continue to approve and facilitate reserve officer training for fulltime and reserve officers at non-MPTC facilities to allow them to meet their specific training needs, to provide non-residential training options, and to augment MPTC training sites when the influx of recruit officers exceeds MPTC training capabilities. The commission recommends that MPTC develop a program wherein Staff Instructors will be recruited from departments willing to assign the officer to MPTC for two years. The officers would work fulltime for MPTC on a temporary (two-year) assignment, with MPTC offsetting the salaries of the officers during their tenure at MPTC.

Professional Development training (also known as In-Service training):

The commission recommends that MPTC continue to develop and deliver curricula in core and mandated training areas for fulltime and reserve officers.

The commission recommends that MPTC develop, deliver, and facilitate the delivery of curricula to allow veteran officers to obtain up-to-date training in a timely manner.

The ability for agencies and officers to meet general professional development requirements through department-sponsored training will be expanded. The commission recommends that MPTC help agencies identify training opportunities and host training to help meet the expanded training requirements in non-core areas.

The commission recommends that MPTC assist agencies by providing referrals and conducting training at sites statewide.

The commission recommends that MPTC become a hub for police officer training statewide, including the establishment of a statewide training calendar listing all approved police-related training being conducted across the Commonwealth, regardless of provider.

Specialized training:

The Commission recommends that MPTC conduct a needs assessment to identify specialized training needs.

Specialized training will be targeted in areas having statewide applicability, such as Investigations, First Line Supervision, Drug Recognition Expert, Instructor Development, Defensive Tactics, and First Responder, etc.

The Commission recommends that MPTC develop career training tracks for various disciplines, as appropriate. In addition to these core training tracks, ongoing Professional Development training would be conducted in each of these areas.

As a long-term goal, the commission recommends that MPTC work with labor, Civil Service, and department administrators to develop programs

related to advancement in various specialized career paths within the police profession.

Hosted training²

The commission recommends that MPTC begin conducting training needs assessments and monitor emerging trends in policing to identify hosted training needed in the Commonwealth.

The commission recommends that MPTC coordinate and sponsor training to meet identified needs.

2. Facilities

Recruit Officer

The commission recommends that MPTC reduce the number of sites delivering Recruit Officer training to two (2) training facilities strategically located in the state.

- Both facilities would have dormitory rooms to eliminate the need for traveling to and from training daily and to eliminate the need for agencies to rent lodging for their student officers.
- Both facilities would have a firearms range and an adequate gymnasium facility.
- One facility, preferably the centrally located facility, would have an emergency vehicle operations course.
- The MPTC headquarters staff would be collocated with one of the facilities.

Currently, two locations should be investigated for their feasibility:

- Massachusetts Military Reservation (MMR) and
- State Police Academy site in New Braintree.

Reserve officer training will continue to be provided at regional training sites.

Veteran Officer Training

The commission recommends that Veteran Officer training be delivered regionally to reduce travel time. Additionally:

- The MPTC continue to staff regional MPTC training sites.
- The current MPTC training sites be reevaluated to determine if their size is appropriate based upon projected Veteran Officer training needs.
- The MPTC utilize more departmental training sites to deliver training, taking training into the field to reduce impacts on staffing and travel.

² Hosted training refers to classes from nationally and regionally renowned providers and/or classes whose costs exceed the capacity of the budgets of individual departments and regional associations. It also includes training in specialized areas.

Hosted Training

Hosted training will be conducted at a variety of venues, depending upon the nature of the training.

Some needed training can be conducted with larger audiences, such as most executive-level training, and will mainly be conducted at rented sites capable of holding larger audiences to maximize attendance.

Other needed training, such as emergency vehicle operation and firearms training, necessarily requires smaller groups. As a result, smaller, more appropriate venues would be utilized.

3. Programs and Standards

Overview

The Programs and Standards unit will be expanded to allow it to engage in training needs assessments; officer, instructor, and class certifications; improved recordkeeping; expanded online training; and monitoring and evaluation of training.

The additional staffing needed to perform these functions is estimated to be twenty (20) FTEs.

Officers, Instructors, Programs

Officers will be certified as having met minimum training, educational, and tenure requirements. These certifications will be leveled based upon having attained specified training benchmarks and time in service.

A recordkeeping system will be developed allowing for the tracking of officers and the training they have received, for the tracking of instructors, for the tracking of classes being delivered statewide (regardless of the provider), and for the tracking of certifications of officers, instructors, and classes.

Instructor certification will include establishing minimum standards for instructors, vetting of instructor credentials, recertification standards, and monitoring instructor performance.

Programs will have two levels of approval:

- For non-MPTC classes, programs will receive a more cursory review to verify the content is sufficient for the time requested and to verify the content is police-related. Approvals will stipulate that the provider is solely responsible for the course content.
- For MPTC classes, classes will be developed or reviewed by subject matter experts and such classes will be certified for content.

Statewide Coordinators

The commission recommends that MPTC convert the contracted statewide coordinator positions into staff positions and include a statewide coordinator in the area of legal research, review, and development.

The functional areas of statewide coordination will be regularly reviewed to determine if oversight areas should be reduced or expanded to meet training needs.

Structure and Oversight

This model is predicated on the current MPTC structure remaining in place, wherein:

- The MPTC continues to have two components: an advisory committee and staff;
- The MPTC staff is headed by an executive director;
- The MPTC advisory committee would continue to have its current structure and membership;
- The MPTC would solely set standards for municipal police training;
- The MPTC would continue as an agency within EOPSS; and
- Changes are made to the General Laws clarifying MPTC's authority with respect to overseeing municipal police training.

Considerations for a Statewide POST System

The above vision is predicated upon the MPTC's current mandate and as such, is focused on municipal police training. However, this model has a much broader applicability. The commission sees merit in developing a statewide POST system with oversight over all law enforcement training, rather than limiting oversight to municipal police training. Such an arrangement would then provide an agency to develop, coordinate, and oversee training for those law enforcement groups currently without such oversight. If the desire of the Commonwealth is to establish a statewide POST system applicable to all officers exercising police powers, the model described above can be easily expanded to accommodate the broader span of oversight provided appropriate MGLs are in place.

A potential structure for such a statewide POST system would include:

A statewide Commission (Massachusetts POST) comprised of voting members representing each group overseen by the MassPOST Commission. This Commission would be the ultimate decision-maker with respect to law enforcement training standards.

Likewise, the Commission would utilize training standards as the foundation for certification standards, certifying officers at an appropriate level based upon training, experience, and education. Similarly, the Commission would have the authority to withhold the certification for any officer failing to meet minimum training standards.

The Commission would continue to operate as an EOPSS agency and would be supervised by an executive director selected by the Secretary from names submitted by the POST Commission.

The Commission itself would be advised by a series of Committees representing the various stakeholders. For example, the Committees would include but not be limited to, a Municipal Police Training Committee, a Campus Police Training Committee, a State Police Training Committee, a Harbormasters Training Committee, an Environmental Police Training

Committee, a Sheriffs Training Committee, and a Department of Corrections Training Committee. Each of these Committees would be chaired by their group's respective member of the POST Commission. These Committees would develop training standards for their group, which would then be delivered to POST for final approval and oversight. POST would then direct staff to develop and facilitate delivery of the training and where applicable, would empower the groups themselves to develop and deliver the training, such as professional development and specialized training venues.

The POST Commission staff would be generally divided into four groups: Administrative Support, Programs and Standards, Delivery, and Facilities.

The Administrative Unit would be comprised of the executive director and the staff responsible for the day-to-day operation of the Commission.

The Programs and Standards Unit would be responsible for taking direction from the Commission and subsequently developing training standards, training protocols, lesson plans, evaluative tools, and tracking procedures and processes.

The Delivery Unit would facilitate the delivery of training, both as providers of training and as training coordinators who would identify programs and instructors in identified training areas and would host and/or assist agencies with that training.

The Facilities Unit would coordinate use of MPTC sites and partner with other agencies and entities for use of additional training sites to maximize attendance.

4. Changes to General Laws

There needs to be a clearly articulated requirement that police agencies report officer information to MPTC, including a requirement to report changes of status, such as departures and changes in rank, in a format established by MPTC.

The ability to certify officers who meet training standards must be clearly stated, as well as the authority to withhold certification for failing to meet minimum standards.

With statewide coordinator positions becoming fulltime MPTC staff positions, MPTC needs to be able to recruit the officers with the best qualifications for the positions. To that end and to incentivize employment at MPTC, the General Law should be amended to allow officers coming into the MPTC to retain their membership in their police retirement system, provided they have been employed for a legislatively set number of years before joining the MPTC.

The creation of a Massachusetts POST Commission would require corresponding changes to the General Laws.

5. **Funding**

The commission recommends that a dedicated, adequate, consistent funding mechanism needs to be identified and established.

The commission also recommends the establishment of an MPTC trust or retained revenue account to allow the MPTC to recoup and reinvest nominal fees for services, such as collecting:

- Training registration fees for selected veteran officer training,
- Facility usage fees imposed when other entities utilize MPTC facilities for meetings and training, and
- Document reproduction fees for bulky documents.

Funding

As stated above, the commission recommends the establishment of a statewide POST system. Notwithstanding that recommendation, at a minimum, the commission recommends that the MPTC continue to be (i) responsible for establishing and maintaining training standards for the municipal police officers of the 351 cities and towns in Massachusetts and (ii) tasked with delivering training and other professional development programs to the state's municipal police officers. In order to implement either of these models fully, however, adequate and consistent funding will be required.

Since the inception of the MPTC and its predecessor agencies, a number of funding models have been formally or informally proposed to provide the Commonwealth's municipal officers consistent, high-quality training. The commission has found that these funding proposals have faltered, or if tried, have not provided the necessary resources to ensure a robust and effective training infrastructure and delivery system. Some of the proposals explored in the past include, but are not limited to:

- A retained revenue account process established in 2000, wherein the MPTC collects a \$2,500 fee for each student officer attending basic recruit training. Since the fee is inadequate to cover the actual costs of training (as stated earlier), it is obviously inadequate for funding all municipal police training.

- A surcharge on citations was actually an effective funding mechanism decades ago. However, that mechanism was halted, and currently, ticket surcharges for funding other programs preclude a reinstatement of such surcharges to fund police training.

- In some states, alcohol taxes include a funding mechanism for police training.

- A diversion from the head injury surcharge was suggested but those funds are already dedicated to and needed by other programs.

- Increased fee on motor vehicle registration renewals

- An assessment imposed on those convicted of misdemeanors and/or felonies.

Going forward, it is recommended that a motor vehicle insurance policy surcharge be collected to cover the cost of expanded training and professional development for veteran and municipal police officers and for expanded recruit training conducted by the MPTC³. Funding would also support the delivery of

³ It can be argued that those committing crimes subsequently creating the need for police action should be those who bear a higher burden for funding of police training. In today's economic climate, requiring a surcharge on criminal offenses may be more palatable than proposing a surcharge on all automobile policies. Chairman Michael Costello, interested in examining other possible funding sources besides the insurance surcharge, has suggested alternatives, such as fees similar to the Victim Witness Fee or the Head Injury Trust Fund. According to the Trial Court's collection report, in 2009 a total of \$5,450,092.18 was collected under section 8 of MGL chapter 258B (Victim Witness Fee). Additionally, from the RMV, a total of \$8,498,985 was collected under said section.

distance learning programs for municipal police officers and the development and execution of standards and evaluations programs for training courses and instructors engaged through the POST Model.

A similar funding model already exists within the Commonwealth. Currently, an assessment on homeowner casualty insurance providers funds Department of Fire Services (DFS) training. This dedicated and consistent funding mechanism allows DFS to engage in progressive, proactive training plans and programs.

Currently, there is a proposal to create section 116E of chapter 6 of the General Laws to create a motor vehicle insurance surcharge for the purpose of funding police training. Highlights of the proposed funding model involving that motor vehicle insurance surcharge include:

Sums for the estimated expenses of providing police training programs conducted by the MPTC will be paid to the Commissioner of Insurance by property and casualty insurance companies writing motor vehicle insurance policies in the Commonwealth.

Funds will be collected by means of a policy surcharge imposed upon the policyholder of any private passenger automobile policy issued by any property and casualty insurance company writing motor vehicle insurance policies in the Commonwealth.

The amount of any surcharge will be separately stated on either a billing or policy declaration sent to an insured motorist.

The rate of the policy surcharge will be determined and adjusted annually by the Commissioner of Insurance to a rate sufficient to fund the expenses estimated by the Secretary of the Executive Office of Public Safety and Security.

Any surcharge collected in a fiscal year but not expended by the MPTC or department of state police shall be retained by the Commonwealth for use by the MPTC or department of state police. The retained surcharge shall be credited against the amounts required to be collected in the following year, and those required payments shall be reduced by the amount of this credit.

The commission supports this funding mechanism based on the solid, indisputable nexus between police training, police services, and motor vehicle insurance, which is outlined below.

Nexus between Law Enforcement and Insurance Companies

Well-trained officers are a substantial benefit to the auto insurance industry in many areas. Not only is the industry undeniably impacted by the safety of Massachusetts roadways, but the industry also benefits from the pro-active work of police departments on a daily basis. Highlighted below are a number of ways which police activity is a direct benefit and support to the motor vehicle insurance industry.

Traffic Safety/Enforcement

The correlation between effective traffic enforcement and reduced collisions and traffic-related injuries/fatalities is well documented. Insurance companies use crash data from officer investigations to determine rates based upon crash exposure, damages, and injuries. The insurance industry routinely utilizes police reports in making determinations of accident culpability. The industry utilizes police "at fault" determinations from accidents in determining insurance rates for policy holders. The insurance industry also utilizes data from police citations in conducting risk assessments of current and potential policy holders. These risk assessments directly affect the rates which insurance companies charge their customers.

Theft/Vandalism

Security of property, especially vehicles, is important to automobile insurance companies that must pay claims due to vehicle burglaries and thefts. Police presence acts as a deterrent for crimes of vandalism against motor vehicles. Investigations/arrests for vandalism prevent further claims and can also be basis for restitution. The insurance industry benefits financially from the recovery of stolen motor vehicles. Officers who are well trained in crime prevention and interdiction techniques are, therefore, an aid to insurance companies.

Fraud

The Commonwealth has specialized teams trained to investigate and prosecute insurance fraud. These teams save insurance companies money and their work also recoups losses and helps to keep rates down. Insurance fraud investigations save the industry from paying bogus claims.

Merit Rating Board Hearings

Police officers testify at Merit Rating Board (MRB) hearings, which affect individual insurance rates. Well-written reports positively affect the outcome of MRB hearings for the industry

Recommendations

Based upon all of the aforementioned, the commission respectfully comes forward with three recommendations. First, the commission recommends the establishment of a consistent, adequate, dedicated funding mechanism for police training utilizing a surcharge on motor vehicle insurance policies. Second, the commission recommends the establishment of a statewide POST system for overseeing law enforcement training in the Commonwealth. Third, recognizing that issues pertaining to mental illness require specialized training, the MPTC should continue to update and refine such training for implementation on a statewide basis.



Printed from: *Boston Herald* (<http://bostonherald.com>)

Chiefs handcuffed by new cop training regs

Thursday, January 10, 2013 -- Anonymous (not verified)
Local Coverage

Friday, January 11, 2013

Author(s):
Matt Stout

Bay State officials are poised to hike the mandatory training that rank-and-file cops must go through — even as state funding continues to drop — in a Catch-22 that has cash-strapped chiefs howling that they are already facing a “crisis” in training as it is.

“It’s the worst it’s ever been,” said Natick police Chief James Hicks.

Hicks, as president of the Massachusetts Chiefs of Police Association and chairman of the state’s Municipal Police Training Committee, which sets the annual training standards each of the state’s 15,000-plus officers must meet, finds himself on both horns of the dilemma. He sees the need for more advanced training but understands that departments already lack sufficient funds for current training requirements.

“There’s a lot of departments who say, ‘I can’t do anything.’ And what happens is they don’t have officers who are trained, and there ends up being something tragic. And it’s a shame if it was preventable. ... We’re in crisis mode.”

The only money the state earmarks for municipal police training is \$2.5 million for a program conducted by the MPTC, according to the Executive Office of Public Safety, a number that has been dropping steadily in recent years and is a lower dollar amount than it was 30 years ago. Chiefs say that’s the lowest per-officer spending in New England. State Sen. James Timilty (D-Walpole) dubbed it a “generational problem.”

Yet, after suspending the minimum level of required training last year due to budget cuts, state officials this fiscal year required current officers to spend 32 hours refreshing themselves on everything from CPR to firearms.

In July, that number will jump to 40 hours — even though the state will pay nothing toward municipal in-service training, leaving the burden on towns and local

#148-13

departments to fulfill what chiefs say is an unfunded mandate some can't meet.

"Instead of going to solve issues, we're just going to keep the peace now instead of taking it to the next level, which we should," said Kingston police Chief Joseph J. Rebello. "We are opening the department up to individual liability."

Dan Zivkovich, the MPTC's executive director, said as a whole officers are meeting basic training requirements, but specialized classes, covering topics such as sexual assault investigations, once offered by the state have been cut drastically. The curriculum for others — such as how to deal with an active-shooter situation — are being developed, but, he said, "We have no ability to push that out."

Gov. Deval Patrick has tried to beef up the training budget by proposing a surcharge on automobile insurance policies — expected to be roughly \$2 per driver — only to be rejected four times in the Legislature. A spokeswoman said the governor didn't submit it this year in "an attempt to review new strategies."

Source URL: http://bostonherald.com/news_opinion/local_coverage/2013/01/chiefs_handcuffed_new_cop_training_regs

CITY OF NEWTON
MAYOR'S FY 2009 RECOMMENDED BUDGET
July 1, 2008 — June 30, 2009
May 5, 2008

State & Federal Grants:	Grant	Authorization
Department		
Election Commission	Extended Polling Hours Grant	25.000
Planning Department	Emergency Shelter Grant	100.000
Planning Department	HOME Grant	2,150.000
Planning Department	Community Development	2,350.000
Police Department	Emergency Medical Dispatch Grant	29.713
Police Department	Community Policing	46.313
Police Department	Bullet Proof Vest Replacement	12.800
Police Department	Traffic Safety	15.234
Police Department	Comprehensive School Security	10.576
Fire Department	MDU Operating Grant	3.500
Fire Department	HAZMAT Incident Grant	30.000
Fire Department	Fire Equipment Grant	16.000
Public Works Department	CH 90 Highway	1,800.000
Public Works Department	Municipal Recycling Incentive	200.000
Public Works Department	Sewer Rate Relief Grant	3.000
Health & Human Services Dept.	School Nursing	220.000
Health & Human Services Dept.	CDC Public Health Emergency Grant	19.000
Health & Human Services Dept.	Title IHC Grant	2.700
Health & Human Services Dept.	NACCHIO/MRC Grant	10.000
Health & Human Services Dept.	Medical Reserves Corp Grant	3.000
Senior Services Department	Council on Aging Formula	104.000
Health & Human Services Dept.	Consumer Protection	40.000
Parks & Recreation Department	Mass Relief	20.000
Parks & Recreation Department	Mass Cultural Commission	30.000
Parks & Recreation Department	Mass Arts Lottery	30.000
Newton Public Library	LSTA Federal Grant	7.800
Newton Public Library	FINRA Grant	44.000
Newton Public Library	State Library Aid	150.000
Newton History Museum	Museum for America Grant	36.000
Total Grants		7,508.636

(12) That the Comptroller is authorized to calculate investment income earned on funds held by the City on behalf of the Employee Memorial Fountain Committee, and to credit said income to the Employee Memorial Fountain Committee gift account on a quarterly basis.

(13) That the Comptroller is authorized to calculate investment income earned on funds held by the City on behalf of the Newton Council on Aging Commission and to credit said income to the Newton Council on Aging account on a quarterly basis.

(14) Any item of equipment with an expected life of more than a year and with a unit value of \$1,000 or more shall be classified as capital outlay.

(14) Municipal fringe benefit appropriations and expenditures, even though budgeted in individual departmental budgets, shall be under the expenditure control of the Human Resources Director. The Comptroller may transfer fringe benefit appropriations between departments in order to meet fiscal year 2009 obligations.

(15) Municipal department salary and wage savings, resulting from employees being compensated from the Workers Compensation Self Insurance Fund, may be transferred by the Comptroller, with prior approval of the appropriate department head, to the Workers Compensation Self Insurance Fund.

CITY OF NEWTON
IN BOARD OF ALDERMEN

October 15, 2007

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman, Alderman Paul E. Coletti, the Police Chief is hereby authorized to accept and expend the sum of Ten Thousand, Five Hundred Seventy-Six Dollars (\$10,576), received as grant funds from the US Department of Justice, Bureau of Justice Assistance, to offset costs associated with police department personnel conducting comprehensive security threat assessments in the Newton Public Schools.

Under Suspension of Rules
Readings Waived and Approved
21 yeas, 0 nays, 3 absent (Ald. Johnson, Mansfield and Weisbuch)

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

Date

(SGD) PAUL E. COLETTI
Chairman, Finance Committee

The Committee understood the need for this settlement to be made and, therefore, voted 6-0, with Ald. Parker and Lipof not voting, to approve this item.

#290-07 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend the sum of \$10,576, received as grant funds from the US Department of Justice, Bureau of Justice Assistance. These funds will be used to offset costs associated with police personnel conducting comprehensive security threat assessment in the Newton Public Schools. [09-25-07 @3:57 PM]

ACTION: **APPROVED 6-0 (Parker, Lipof not voting)**

NOTE: Lt. Hugh Downing was present this evening. He explained that these grant funds will be utilized to pay overtime costs for three (3) officers and one Clerk from the Police Department to conduct comprehensive security assessments in each of the public school buildings throughout the city.

Lt. Downing explained that the City received a letter from the Department of Justice, dated August 27, 2007 which indicated that these funds would be made available for this purpose. He also presented (attached) a Budget Narrative which showed the breakdown for the distribution of these funds. These security assessments will be conducted in consultation with appropriate School Department personnel.

The Committee understood the need for this program to ensure the safety of those in school buildings, and, therefore, voted 6-0, with Ald. Parker and Lipof not voting, to approve this request for acceptance of and authorization to expend these grant funds.

REFERRED TO CMTE. ON COMM. PRES. AND FINANCE COMMITTEE

#257-07 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$358,600 be appropriated from the Community Preservation Fund for the purchase and associated legal costs of acquiring 30 Wabasso Street (assessors parcel id number 41031 0053), as an addition to the Flowed Meadow Conservation Area in Auburndale. [08-03-07 @4:55PM]

CMTE. ON COMMUNITY PRESERVATION APPROVED 6-0-2 (Linsky, Lennon abstaining) on 9/25/07

ACTION: **APPROVED 6-0 (Parker, Lipof not voting)**



City of Newton, Massachusetts

CITY HALL

COMMONWEALTH AVENUE AND WALNUT STREET
NEWTON CENTRE 02459
CITY CLERK'S DEPARTMENT

RECEIVED
FROM _____

C 27017

- DOGS
- BIRTHS
- MARRIAGE
- DEATH
- MISCELLANEOUS
- DBA

2 BUS license

CITY OF NEWTON
Treasury & Collections
PAID

APR 02

1000 Commonwealth Ave.
Newton, MA 02459

DATE	4-2-13
WRITTEN BY	<i>[Signature]</i>

TOTAL \$

20.00

CITY CLERK'S COPY

AMENDED

Approved
Revised
Route

Sgt Babcock
3/27/13

Traffic Bureau

Attention: Sergeant Babcock,

617 796 2106

Ref: REQUEST FOR PERMISSION TO USE ROUTE.

Thank you for your time to call me back.

Further to our phone conversation, I am submitting a revised route to fit your requirement to enter Newton Riverside station.

Thank you again for your help and we are looking forward to working with you.

Sincerely,



Deo Tumwine

President Diaspora investment association inc.

Cc. Commissioner Newton City

Company is not focus
No Newton Street

in + out of
Riverside Station
using Grove St,
only

4/17
D. Daniels

David A. Olson, CHD
New

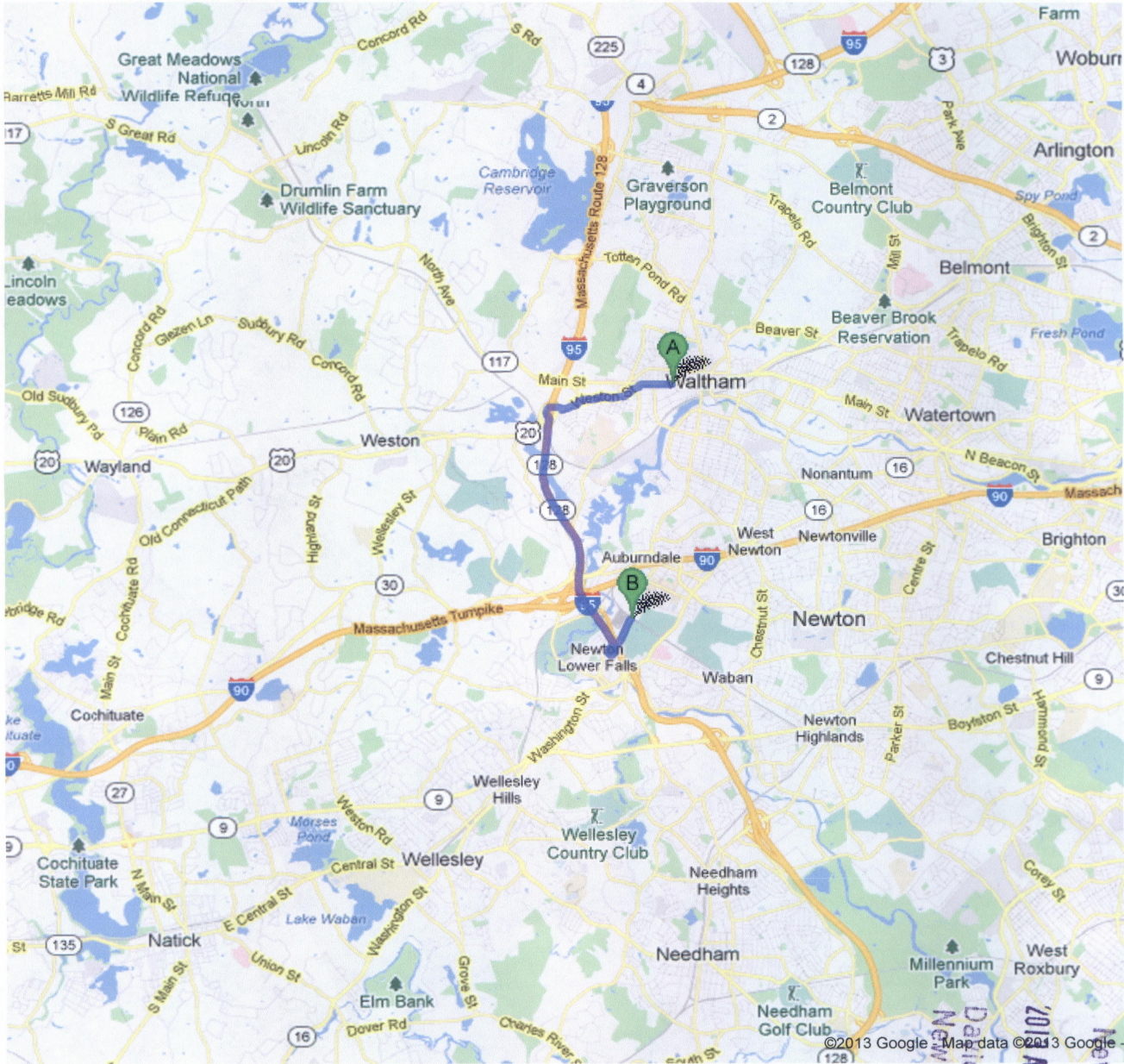
2013 MAR 28 PM 6:50

RECEIVED
Newton City/CHD



Directions to Riverside Station
United States
5.1 mi – about 9 mins

Revised Route



RECEIVED
Newton City Clerk
2011 APR -2 PM 1:24
David A. Olson, CMC
Newton, MA 02459

Revised Route



Main St

- 1. Head **west** on **Main St** toward **Fiske St**
About 56 secs

go 0.3 mi
total 0.3 mi



- 2. Slight left onto **US-20 W/Weston St**
Continue to follow US-20 W
About 3 mins

go 1.1 mi
total 1.4 mi



- 3. Merge onto **I-95 S** via the ramp on the left to **I-90/Mass. Pike/Providence RI**
About 3 mins

go 3.0 mi
total 4.5 mi



- 4. Take exit **22** to merge onto **Grove St**
Destination will be on the right
About 2 mins

go 0.6 mi
total 5.1 mi



Riverside Station

United States

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.

RECEIVED
 Newton City Clerk
 2013 APR -2 PM 1:24
 David A. Olson, CMC
 Newton, MA 02459

Diaspora Investment Association Inc. #149-13

24 Crescent Street Suite 307 Waltham MA 02453
Tel: 857-544-6282 Fax: 781-373-5951 Diasporainc@gmail.com

-sgt BARBOCH

\$20 Cash Received 4/2/13
2 BUS Licenses

Please read and call me
on 857 544 6282

To Police Dept 3/20/13
Thx
Danielle
X1211

The Commissioner DEO FUMWINE

City of Newton

Accepted
(Original copy)
3/25/13
Sgt Barboch

Dear Sir / Madam,

Re: APPLICATION FOR AMUNICIPAL STREET LICENSE.

We are Diaspora investment association inc. based in Waltham. We are a registered corporation in Massachusetts and we are doing business as Horizon Bus line.

We are writing to apply for a Municipal street license to use your roads to transport passengers picking them from Riverside station to New York on a daily basis.

We shall be starting our pick up of passengers from Anderson regional transportation center through Alewife station, Waltham commons and Newton Riverside station to New York.

We have done most of the preliminaries to comply with the federal motor carrier safety administration.

We have determined our routes to reach Riverside as follows and please see attached copies of the required documents.

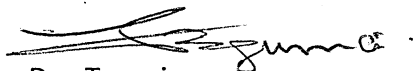
- A. Number of Vehicles 2 (two) and their pictures see attached
- We will be garaging the buses at Anderson regional transportation center
- The purpose of our service is to transport passengers from Massachusetts to New York.
- This is a daily basis between 7am and 1130pm, seven days a week.
- Permission to stop over and spots from MBTA
- We have also attached, Articles of organization,
- Route in and out of Newton
- Our only stop will be riverside station Newton.
- Insurance company name and Liability Insurance coverage.

RECEIVED
Newton City Clerk
2013 MAR 28 PM 6:49
David A. Cassin, Clerk
Newton, MA 02459

- Our tickets will be sold on our website and on counter an Anderson regional transportation center. Website is under construction.

Looking forward to working with you.

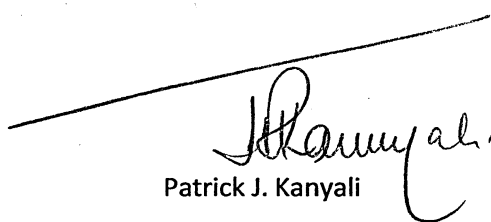
Sincerely,



Deo Tumwine

President

Diaspora investment association Inc



Patrick J. Kanyali

Secretary

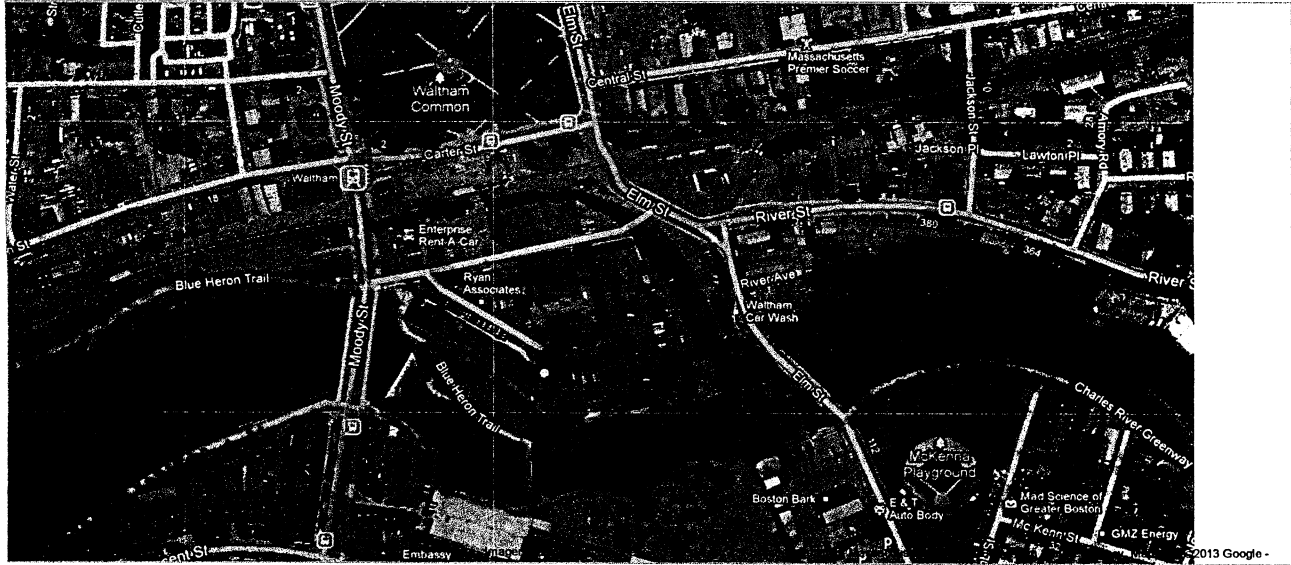
Diaspora investment association Inc

Rejected
Sgt Babcock
3/25/13

Original Route

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



Driving directions to Riverside Station



Carter St
Waltham, MA 02453

1. Head west on Carter St toward Moody St
 2. Turn left onto Moody St 308 ft
 3. Continue onto Lexington St 1.0 mi
 4. Continue straight onto Auburn St 1.1 mi
 5. Continue onto Central St 299 ft
 6. Turn right onto Grove St 148 ft
Destination will be on the left
- 0.7 mi



Riverside Station

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.
Map data ©2013 Google



Directions to Riverside Station
United States
2.9 mi - about 11 mins

Rejected
Sgt. Babcock
3/25/13

Original Route



Carter St, Waltham, MA 02453

- | | |
|---|---------------------------|
| 1. Head west on Carter St toward Moody St | go 308 ft
total 308 ft |
| 2. Turn left onto Moody St
About 4 mins | go 1.0 mi
total 1.1 mi |
| 3. Continue onto Lexington St
About 3 mins | go 1.1 mi
total 2.1 mi |
| 4. Continue straight onto Auburn St | go 299 ft
total 2.2 mi |
| 5. Continue onto Central St | go 148 ft
total 2.2 mi |
| 6. Turn right onto Grove St
Destination will be on the left
About 3 mins | go 0.7 mi
total 2.9 mi |



Riverside Station
United States

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.

00162892

COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

Articles of Organization
(General Laws Chapter 156D, Section 2.02; 950 CMR 113.16)

I hereby certify that upon examination of these articles of organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of \$ 275 having been paid, said articles are deemed to have been filed with me this 7th day of June, 2010, at 2:25 a.m. (p.m) time

Effective date: (must be within 90 days of date submitted)

Signature of William Francis Galvin
WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

1174076

Examiner
Signature of Examiner
Name approval

Filing fee: \$275 for up to 275,000 shares plus \$100 for each additional 100,000 shares or any fraction thereof.

TO BE FILLED IN BY CORPORATION
Contact Information:

Business Filings Incorporated
8040 Excelsior Dr Suite 200, Madison, Wisconsin 53717

Telephone: 608-827-5300 ext 1267611
Email: fulfillment@bizfilings.com

Upon filing, a copy of this filing will be available at www.sec.state.ma.us/cor. If the document is rejected, a copy of the rejection sheet and rejected document will be available in the rejected queue.

SECRETARY OF THE COMMONWEALTH
2012 JUN -7 PM 2:25
CORPORATIONS DIVISION



U.S. Department of Transportation
Federal Motor Carrier Safety Administration

1200 New Jersey Ave., S.E.
Washington, DC 20590

SERVICE DATE
January 29, 2013

PERMIT
MC-809756-P
U.S. DOT No. 2350039
DIASPORA INVESTMENT ASSOCIATION INC
D/B/A HORIZON BUS LINE
WALTHAM, MA

This Permit is evidence of the carrier's authority to engage in transportation as a **contract carrier of passengers** by motor vehicle in interstate or foreign commerce.

This authority will be effective as long as the carrier maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 387); the designation of agents upon whom process may be served (49 CFR 366); and tariffs or schedules (49 CFR 1312). Failure to maintain compliance will constitute sufficient grounds for revocation of this authority.


Service must be performed under a continuing agreement with one or more persons.

A handwritten signature in black ink, appearing to read "Jeffrey L. Secrist".

Jeffrey L. Secrist, Chief
Information Technology Operations Division

NOTE: Willful and persistent noncompliance with applicable safety fitness regulations as evidenced by a DOT safety fitness rating of "Unsatisfactory" or by other indicators, could result in a proceeding requiring the holder of this certificate or permit to show cause why this authority should not be suspended or revoked.

PPO

 **IRS** DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 04-30-2012

Employer Identification Number:
45-5163040

Form: SS-4

Number of this notice: CP 575 A

DIASPORA INVESTMENT ASSOCIATION INC
24 CRESCENT ST STE 307
WALTHAM, MA 02453

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 45-5163040. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1120

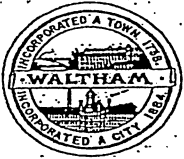
03/15/2013

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.



CITY OF WALTHAM MASSACHUSETTS BUSINESS CERTIFICATE

Office Use # 13-012 CITY OF WALTHAM CITY CLERK'S OFFICE 2013 JAN -7 P 9:20 RECORDED 1-8-2017 Certificate Expires

In accordance with the provisions of Chapter 110, Section 5 of Massachusetts General Laws, Business Certificates shall be in effect for four years from the date of issue and shall be renewed each four years thereafter. A statement under oath must be filed with the city clerk upon discontinuing, retiring or withdrawing from such business or partnership.

Please check one:

- [X] New Business [] Business Renewal

The undersigned hereby declares that a business is conducted under the title of:

Business Name: (D/B/A) HORIZON BUS LINE

Business Address: 24 CRESCENT STREET SUITE 307 WALTHAM MA 0245

NO P.O. BOXES or Mail Boxes Accepted Business Address Must be in Waltham.

By the following named person(s):

Full Name DEO TURMINE Residence 2497 MASS AVE #6 CAMBRIDGE CAMBRIDGE MA 02140

If a corporation

Corporation Name: DIASPORA INVESTMENT ASSOCIATION, LLC

Corporate Officer(s) Name & Title DEO TURMINE - PRESIDENT Residence 2497 MASS AVE #6 CAMBRIDGE

Signatures:

[Handwritten signature]

On 1/08/2013 the above named person(s) personally appeared before me and made oath that the foregoing statement is true.

Identification Presented: Drivers License [X] Other []

[Handwritten signature of Notary Public]

Notary Public

Commission Expiration Date 8-16-2013

Notary Seal

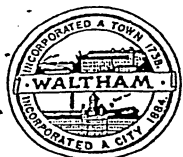
City Seal

A true copy attest

[Handwritten signature of City Clerk]

Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business. Violations are subject to a fine of not more than three hundred dollars (\$300.00) for each month during which such violation continues.

Massachusetts Department of Revenue form TA-1 available on request.



CITY OF WALTHAM MASSACHUSETTS BUSINESS CERTIFICATE

Office Use: #12-140 #149-13 CITY OF WALTHAM 2012 APR 30 P 2:37 RECORDED 4-30-2016 Certificate Expires

In accordance with the provisions of Chapter 110, Section 5 of Massachusetts General Laws, Business Certificates shall be in effect for four years from the date of issue and shall be renewed each four years thereafter. A statement under oath must be filed with the city clerk upon discontinuing, retiring or withdrawing from such business or partnership.

Please check one:

[X] New Business [] Business Renewal

The undersigned hereby declares that a business is conducted under the title of:

Business Name: (D/B/A) DIASPORA INVESTMENT ASSOCIATION INC

Business Address: 24 CRESCENT STREET WALTHAM MA 02453

NO P.O. BOXES or Mail Boxes Accepted Business Address Must be in Waltham.

By the following named person(s):

Full Name

DEO TOMWINE Rena Muteteri

Residence

2497 MASS AVE #6 CAMBRIDGE MA 02140 10 Eskimo Way, Billerica MA 01862

If a corporation

Corporation Name: DIASPORA INVESTMENT ASSOCIATION INC

Corporate Officer(s) Name & Title

Residence

DEO TOMWINE / PRESIDENT Rena Muteteri / Treasurer

2497 MASS AVE #6 CAMBRIDGE MA 02140 10 Eskimo Way, Billerica, MA 01862

Signatures:

[Signature] Rena Muteteri

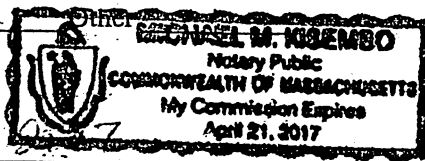
On April 30th 2012 the above named person(s) personally appeared before me and made oath that the foregoing statement is true.

Identification Presented: Drivers License [initials]

Michael W. Gennaro Notary Public

Commission Expiration Date April 21

Notary Seal



True copy attest [Signature] City Clerk

Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours to any person who has purchased goods or services from such business. Violations are subject to a fine of not more than three hundred dollars (\$300.00) for each month during which such violation continues.

Massachusetts Department of Revenue form TA-1 available on request.



U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Licensing and Insurance Public

Menu Choose Menu Option



Active/Pending Insurance

US DOT:		2350039		Docket Number:		MC809756		
Legal Name:		DIASPORA INVESTMENT ASSOCIATION INC						
Form	Type	Insurance Carrier	Policy/Surety	Posted Date	Coverage From	Coverage To	Effective Date	Cancellation Date
91X	BIPD/Primary	THE CHARTER OAK FIRE INSURANCE CO.	BA-8C071599	01/23/2013	\$0	\$5,000,000	01/25/2013	

[Carrier Details](#) | [Rejected Insurance](#) | [Insurance History](#) | [Authority History](#) | [Pending Application](#) | [Revocation](#) |

January 23, 2013



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Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • [Field Office Contacts](#)

Assets:

A fleet of four buses for the start and we will grow as investment development allows.

We have identified two kinds of buses The Prevost and Vanhool Auto Low-Floor 80' Double
makes and models between 2007 and 2012. All using Diesel. see Articulated Heavy-Duty
picture of buses Transit

2009

VHT2145

VIN # YE2TC15B692044354

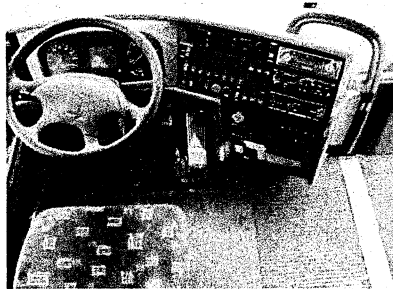
MODEL INFORMATION:

Passenger Seating: 57 Restroom, Flush Transmission is ALLISON: Engine: CUMMINS

COMMENTS: Length: 45 feet: Color: WHITE: Wheels: STEEL: Wheelchair Lift: No: Seat
Mfg: AMAYA



Exclusive U.S. **YANCOOL** Distributor



#149-13

§ 19-348

NEWTON ORDINANCES — MOTOR VEHICLES AND TRAFFIC

§ 19-366

All licenses required by section 19-346 shall be subject to such terms and conditions as the board of aldermen, or the chief of police with its approval, shall from time to time prescribe. (Rev. Ords. 1973, § 21-14)

Sec. 19-348. Appeal from refusal to issue.

Any person aggrieved by the refusal of the chief of police to grant a license required by section 19-346 may file a written appeal to the board of aldermen stating why such refusal is unreasonable. (Rev. Ords. 1973, § 21-15)

Sec. 19-349. Suspension and revocation.

Any license granted pursuant to section 19-346 may be suspended or revoked by the chief of police or by the board of aldermen at any time for cause. Any suspension or revocation of a license by the chief of police may be set aside by the board of aldermen. (Rev. Ords. 1973, § 21-16)

Secs. 19-350—19-360. Reserved.

DIVISION 4. BUSES

Sec. 19-361. Applicability of division.

This division shall apply to any person or vehicle licensed under the provisions of chapter 159A of the General Laws and the driver or operator of any such vehicle. (Rev. Ords. 1973, § 21-40)

Cross reference—Bus stops, § 19-170

Sec. 19-362. Amendment of division.

This division may be amended or new provisions adopted from time to time by the board of aldermen and any licensee, upon receipt of notice thereof, shall be subject to such new or amended provisions. (Rev. Ords. 1973, § 21-41)

Sec. 19-363. License fee.

The licensee under this division shall pay as a license fee the sum of ten dollars (\$10.00) for each vehicle to be operated under the terms of the license. (Rev. Ords. 1973, § 21-42)

Cross reference—Licensing and permits generally, Ch. 17

State law reference—License required, G.L. c. 159A, § 1

Sec. 19-364. Applicant for license to designate address; service of notices.

Persons making application for a license to operate motor vehicles under this division shall designate in such application an address, giving street and number, to which notices may be sent, and any notice properly addressed and mailed to or delivered at such address shall be deemed to be properly served. (Rev. Ords. 1973, § 21-43)

Sec. 19-365. Records and books of accounts of licensees.

Every person to which a license is granted for the operation of motor vehicles for transporting passengers for hire in the city under this division shall keep records showing the number of passengers carried by each vehicle on each trip, and accurate books of account. Such books of account and records shall be open to inspection by the board of aldermen at reasonable times, and the board of aldermen may from time to time prescribe the form in which such accounts and records shall be kept. (Rev. Ords. 1973, § 21-44)

#149-13

§ 19-366

NEWTON ORDINANCES — MOTOR VEHICLES AND TRAFFIC

§ 19-373

Sec. 19-366. License plate.

The board of aldermen may issue to the licensee under this division a metal plate bearing the words "Licensed motor vehicle No. _____, Newton 20__, ___ passengers" setting forth the serial number of the license, the date and the number of passengers exclusive of the operator that the car is licensed to carry and the date on which the license expires. Such plate shall be conspicuously placed within the body of the motor vehicle. (Rev. Ords. 1973, § 21-45)

Sec. 19-367. Lost and found department to be maintained by licensee.

Every licensee shall maintain a lost and found department at a location approved by the chief of police at which place shall be delivered, as soon as found, any article left in any licensed motor vehicle by any passenger. (Rev. Ords. 1973, § 21- 46)

Sec. 19-368. Fares, routes and termini.

(a) Persons making application for licenses to operate vehicles under this division shall designate the routes over which they desire to operate and the termini they desire to use, the proposed schedule of arrival at and departure from the termini, the schedule of fares they desire to charge and the type of bus with the name of the maker, giving both seating and standing capacity, all of which shall be approved by the board of aldermen. Stopping places shall be approved by the chief of police. Such routes, termini, running schedule and schedule of fares may be changed only with the consent or by order of the board of aldermen. Motor vehicles so licensed shall be driven to such termini before turning around. ✓

(b) The licensee shall have the right to operate such extra service over the approved routes or any part thereof as conditions may require. (Rev. Ords. 1973, § 21-47)

Sec. 19-369. Refusal to carry passengers.

No person operating any licensed motor vehicle under this division shall refuse to carry any person offering himself to be carried as a passenger therein, unless the seats of the same are fully occupied and the number of passengers thereon is the number allowed to be carried, or unless such person is intoxicated or disorderly. (Rev. Ords. 1973, § 21-48)

Sec. 19-370. Soliciting passengers.

No person operating any licensed motor vehicle under this division shall solicit passengers by outcry or make any noise for the purpose of soliciting passengers. (Rev. Ords. 1973, § 21-49)

Sec. 19-371. Destination sign; outside display of advertising.

Licensed motor vehicles under this division shall display adequate destination signs and shall not bear on the outside thereof any commercial advertising. (Rev. Ords. 1973, § 21- 50)

Sec. 19-372. Equipment, condition.

No licensed motor vehicle under this division shall be operated in any street or public place where there is snow or ice, unless it is equipped with proper nonskidding chains, when the use of such chains is reasonably necessary to prevent skidding, and every such vehicle shall be kept in a safe, clean and proper condition for use in such business, and shall be equipped with a liquid fire extinguisher. (Rev. Ords. 1973, § 21-51)

#149-13

§ 19-373

NEWTON ORDINANCES — MOTOR VEHICLES AND TRAFFIC

§ 19-375

Sec. 19-373. Seating of passengers.

No greater number of passengers seated and standing shall be carried at any one time in any licensed motor vehicle under this division than authorized by the board of aldermen; provided, that in addition thereto children under seven (7) years of age may be carried therein in arms or seated on the laps of parents or adult persons accompanying them. No passenger with a child in arms or seated on the lap shall be permitted to sit with or immediately next to the driver of the vehicle, nor shall any passenger be permitted to ride upon any fender, dash, top, floors, steps or running board of any such vehicle. (Rev. Ords. 1973, § 21-52)

Sec. 19-374. Acts prohibited by operator while vehicle in motion.

No person operating any licensed motor vehicle under this article shall collect fares, make change, take on or discharge passengers while such vehicle is in motion. (Rev. Ords. 1973, § 21-53)

Sec. 19-375. Division considered as regulations under law of the commonwealth; penalty.

The provisions of this division shall also constitute regulations of the board of aldermen acting as licensing authority under the provisions of chapter 159A, section 12 of the General Laws, and the penalty provided for by section 1-6 shall apply to any violation of this division. (Rev. Ords. 1973, § 21-54)