



Public Safety & Transportation Committee Report

City of Newton In City Council

Wednesday, July 22, 2020

Present: Councilors Auchincloss (Chair), Markiewicz, Downs, Malakie, Lipof and Bowman

Absent: Councilors Grossman and Ciccone

Also Present: Councilors Albright, Kelley, Norton and Humphrey

City Staff: David Koses, Traffic Council Chair; Jason Sobel, Director of Transportation, Department Public Works; Jini Fairley, ADA Coordinator; Nicole Freedman, Director of Transportation Planning; Interim Chief Howard Mintz and Captain Dennis Geary, Newton Police Department and Jonathan Yeo, Chief Operating Officer

Others Present: Mitchell Fischman and Jeremy Freudberg

#304-20 **Appointment of Mitchell Fischman to the Newton Traffic Council**
HER HONOR THE MAYOR requesting the appointment of Mitchell Fischman, 41 Brush Hill Road, as a member of the Newton Traffic Council for a term to expire on July 31, 2023. (60 days: 09/11/2020)

Action: **Public Safety & Transportation Approved 5-0, Councilor Lipof not voting**

Note: Mitch Fischman joined the committee for discussion on this item.

A councilor asked Mr. Fischman on how he would approach the balance of safety and throughput? Mr. Fischman answered that he served as a Ward 8 At-Large Councilor on the Board of Aldermen from 2001 to 2014. He worked with constituents regarding safety issues on implementing crosswalks and stop signs. He then stated at that time, he worked on Needham Street and was not convinced that a divided roadway with a park strip down the middle of the road could absorb traffic at 30,000 vehicles per day. Therefore, he pushed for a more aggressive transportation solution that would provide for four lanes of traffic. Mr. Fischman said that he worked hard on implementing bike paths and the rail car diversion paralleling Needham Street. Today, bike lanes are impressive but at times some are worrisome. During the pandemic, bike lanes have proven to be important.

Committee members thanked Mr. Fischman for his willingness to serve the community in this capacity.

Without further discussion, Councilor Markiewicz made a motion to approve the appointment of Mr. Fischman as a member of the Newton Traffic Council. Committee members agreed 5-0, Councilor Lipof not voting.

#303-20 **Appointment of Jeremy Freudberg to the Newton Traffic Council**
HER HONOR THE MAYOR requesting the appointment of Jeremy Freudberg, 102 Clark Street, as an alternate member of the Newton Traffic Council for a term to expire on July 31, 2023. (60 days: 09/11/2020)

Action: **Public Safety & Transportation Approved 6-0**

Note: Jeremy Freudberg joined the committee for discussion on this item.

A Councilor asked Mr. Freudberg his opinion, what is the most important transportation improvement the City could make? Mr. Freudberg answered that his dream goal is to have consistency across the City with traffic control solutions and parking regulations. Newton has many confusing intersections, particularly those with stop signs. It is important to make everything easy to understand for motorists, bicyclists and pedestrians.

A Councilor asked Mr. Freudberg if speed tables are a benefit to Clark Street? Mr. Freudberg answered that in general, traffic calming is a good thing. People have the tendency to complain about the loss of throughput. The speed table has served Clark Street well.

Committee members thanked Mr. Freudberg for his willingness to serve the community in this capacity.

Without further discussion, Councilor Markiewicz made a motion to approve the appointment of Mr. Freudberg as an alternate member of the Newton Traffic Council. Committee members agreed 6-0.

#232-20 **Requesting a discussion with the Administration on walking/biking streets**
COUNCILORS DOWNS, AUCHINCLOSS, ALBRIGHT, BOWMAN, KELLEY, LEARY, KRINTZMAN, NOEL, DANBERG, AND NORTON requesting a discussion with the Administration on creating walking/biking streets with local traffic only during the duration of the COVID-19 emergency to allow for safe social distancing and recreation.

Action: **Public Safety & Transportation No Action Necessary 6-0**

Note: Councilor Kelley, Nicole Freedman, Director of Transportation Planning; Jason Sobel, Director of Transportation, Department Public Works and Jonathan Yeo, Chief Operating Officer joined the Committee for discussion on this item.

Committee members were provided with a map compiled by Bike Newton of streets that already have minimal traffic, streets that connect to useful destinations or other streets and streets that could be candidates for shared streets. The map is attached to this report.

Councilor Bowman provided Committee members with a detailed PowerPoint presentation, attached to this report.

Councilor Bowman said that this item was docketed at the beginning of the pandemic when people were staying at home looking for places to walk, run and bike safely while remaining socially distant. Councilors Downs and Bowman worked on identifying locations in the City which could be used as shared streets. Shared street models have been adopted in other cities. Shared streets close streets to through traffic remaining open to residents of the street. Councilor Bowman stated that suggestions were made to the administration on streets they felt could be considered as shared streets. Streets chosen included streets that would be easy to close to through traffic allowing the residents to easily access their homes from side streets. After review, the administration decided not to act on implementing shared streets. Tonight, the Committee can review the possibilities on how streets can be used, not just for exercise but for other purposes. Perhaps Newton can move forward as a response to the pandemic and other means.

In summary:

Rethinking Street Use in Newton

What has been done or is being worked on now:

- Considered shared streets for exercise early in COVID but opted against implementing at this time
- Opened curbside dining and expanded sidewalk tables to restaurants that requested it
- Considered piloting a full “streatery” (allow tables on the whole street) on Union Street, but could not reach consensus with abutters
- Working with Safe Routes to School and Bike Newton to identify changes that would make it safer to walk and bike to school
- Working with School Transportation Group to identify other changes needed near schools

The case for doing more

- Prepare for new wave of restrictions related to COVID
- Align with Climate Action Plan Goals
- Reduce traffic congestion
- Support businesses
- Increase livability of Newton

Mr. Yeo said at the beginning of the pandemic, the administration carefully considered the open streets concept. Discussions took place between the administration, Commissioner of Health & Services and Department Public Works Departments determining that the City did not want to create areas to be attracting large numbers of people. The administration continued monitoring the Commonwealth Avenue, Carriage Way determining that there were no

problems on the Carriage Way. There are many areas in the City for people to walk and bicycle safely.

Ms. Freedman provided an update on sidewalk and on-street dining. She said that the City worked with the Department Public Works, Licensing, Police and Planning Departments working with restaurants by making it possible for them to have sidewalk dining and allowing the placement of sandwich boards to help them remain open.

Ms. Freedman stated that after several weeks, the City approved on-street dining in the on-street parking spaces. Sadly, all restaurants were not committed to serving on the street creating a problem for the City. The City reviewed a proposal from urban designer and city planner, Jeff Speck which included closing Langley Road and Union Street. The initial thought was to close Union Street, but instead the City determined to maintain one travel lane and the City did not proceed with Union Street as proposed. At this time, no City streets have been closed for on-street dining. The City is open to suggestions but want the support from neighbors and businesses to determine if on-street dining is appropriate.

Ms. Freedman then stated that the City has been focusing on school transportation for when students return to schools. Parents are hesitant for their child to ride the bus. The City does not desire parents to drive their children, the City prefers students walk or bike. The City has been working with the Complete Streets Working Group, Safe Routes to School, Assistant Superintendent, Liam Hurley and the Transportation Steering Group for each school to resolve the school transportation concerns.

Councilors comments and suggestions:

It was stated that in April, it was difficult biking on Commonwealth Avenue, Quinobequin Road, Lake Avenue and other streets because there were too many people, making the comfort level uncomfortable.

The City should implement a plan, allowing residents to nominate their streets with criteria in order for them to enjoy the outdoors, without having to worry about drivers speeding.

The City has made progress on the school transportation concerns. There will be bus capacity issues. Drop-off/pickup, biking and walking are all important.

It is embarrassing, the City has not taken a lead on closing streets such as a section of Albemarle Road or Quinobequin Road. If closing streets does not work, the City could always stop the program. It is unfortunate, that the pandemic is lasting longer than anticipated. People are out walking, biking and interacting with others. It is important for the City to slowly model sharing the streets and choose a location.

It was stated that the neighbors of Quinobequin Road would support a pilot program for shared streets.

The City may be underestimating the number of people who do not go out as they feel unsafe. It is necessary to be creative.

In the PowerPoint, Metropolitan Area Planning Council (MAPC) highlighted Quinobequin Road and Washington Street as possible commuting corridors. People are hesitant taking transit, but transit is necessary providing transportation for people to go to and from work.

It was stated that the administration may be open to a block party type street closure. Mr. Yeo said that some guidance received from the State on street events is tricky. The city needs to be very careful on what they do on a major event.

A suggestion was made for the Waban Area Council review this item. It was then stated that the Waban Area Council has endorsed sharing the streets.

Councilors questions and answers:

As a pandemic safety measure, can the City review closing a lane using cones and barrels to make protective bike lane as Boston has done with parking on the outside. Mr. Yeo said that Washington Street is going to be repaved as a maintenance project (not the redesign project). The types of road striping will be discussed. Mr. Yeo, Ms. Freedman and Mr. Sobel have discussed options that may be available for road striping. Ms. Freedman said that she likes the idea of barrels and cones to make protective bike lanes but does not know what type of engineering is required. Mr. Sobel said that there have been several discussions which continue regarding Washington Street. There are a lot of options available given the road width. A clear consensus has not been determined on road striping. It is necessary for the Complete Streets Group to discuss road striping. The City is open to the idea of striping Washington Street, but decisions have not been made on the best way to move forward.

What is the next step for Quinobequin Road sharing their street? Would DCR be involved? It was stated that a resolution to the DCR was created and is available. Should the resolution be docketed for a future discussion? The Committee Clerk answered that this item before us is a discussion item. A new docket item would have to be created for the resolution. Chair Auchincloss agreed. Mr. Yeo said that Quinobequin Road is a DCR road. This would be a DCR project. If the City suggests this to DCR, DCR would have to conduct a public meeting determining if they should move forward. Mr. Yeo agreed to contact DCR about the possibility of making Quinobequin Road a shared street and a resolution is appropriate.

The idea of closing a street to local traffic allowing children to go out and ride is necessary. Can the administration discuss this possibility and what is necessary to get shared streets started? Mr. Yeo answered that the City will discuss this further and let City Councilors know the outcome.

Ms. Freedman stated that she supports the idea of Quinobequin Road for recreational uses. Mr. Yeo agreed and said that it is unknown how fast DCR could/would implement this. Ms. Freedman then said that neighborhood block parties could work for children, a cluster of streets closing may be appealing while allowing social distancing.

Emails received in support of the open streets plan, are attached to this report.

Discussion with the DCR, a resolution and docket item will be forthcoming. Without further discussion, Councilor Downs made a motion to vote no action necessary. Committee members agreed 6-0.

Chair's Note: Requesting a briefing and conversation with the administration on the investigation into the incident with Mr. Tim Duncan.

Note: Interim Chief Howard Mintz, Newton Police Department and Jonathan Yeo, Chief Operating Officer joined the Committee for discussion on this item.

Interim Chief Mintz re-introduced himself to Committee members. He stated that he retired as Chief of Police from the City in 2015 as required by law when a police officer reaches the age of 65. He stated that had a 32-year police career and is honored by the appointment as Interim Chief for the Newton Police Department by Mayor Fuller. He then stated that he is very happy to be an active member of this first-rate law enforcement agency and feels that the department has many men and women with strong integrity and dedication. Interim Chief Mintz stated that he is very pleased to work for the City, until a replacement or permanent Police Chief is appointed. Interim Chief Mintz returned to the department on July 13.

Interim Chief Mintz provided Committee members with a recitation of facts regarding the Mr. Tim Duncan incident. He stated that there has been a lot of information in the press, social networking and various media. He has been studying the reports.

Interim Chief Mintz stated that the history of this incident began on May 18. On May 18, the Boston Police Department notified the Newton Police Detective Bureau that a victim was shot approximately ten times in Dorchester, MA. The suspect, Yaliek Allah Barnes, a man of African American descent who is approximately 38 years of age. Interim Chief Mintz stated that it is important to note that his description from the police database varied from 6' 1" to 6' 8". This man was known to have a girlfriend on Eddy Street in Newtonville, MA, a woman who is known to the department. The Boston Police Department asked the Newton Police Department to conduct a surveillance to see if this suspect could be apprehended. The Boston Police Department also noted that the vehicle and firearm used in the murder were never recovered. The Newton Police Department had a lot of concern about a person wanted for murder in the City of Newton.

Interim Chief Mintz stated that he would like to bring to the attention to this Committee the Federal Bureau Investigation (FBI) database and the National Law Enforcement Museum in Washington, DC and asked Councilors to please review this information online. More than fifty percent of police officers who are killed are killed in felony arrests and high-risk warrant situations. This incident certainly was a high-risk situation. This is probably one of the most dangerous activities that law enforcement officers can be involved in. The news reports have

talked about police officers killed or shot recently. The numbers would be a lot higher if it was not for body armor, which Newton Police officers are now required to wear.

Because officer safety was such a priority there was a Detective Sergeant about 150 yards from where Mr. Duncan was first seen. The Detective Sergeant was using binoculars because he did not want to be spotted and was in an unmarked vehicle for the officers' safety. The Newton Police Department was looking for a tall, heavy build, large, black male with a girlfriend. Mr. Duncan is 6' 8". If photos were placed side by side, you would certainly see that the build was similar within what police officers would call reasonable suspicion if not probable cause to think that Mr. Duncan was the suspect. Mr. Duncan was also with a female. The department was on Eddy Street because they were looking for a man wanted for murder who was visiting his girlfriend. The department stopped the suspect. Mr. Duncan was approached by the Sergeant who spotted this couple, who turned out to be Mr. and Mrs. Duncan but did not know it at the time therefore, called for backup. A uniformed Sergeant, patrol officer and detective arrived at the scene, totaling four officers. By felony stop procedures, the department training involves ordering the person to the ground and could be handcuffed. This was not done. Mr. Duncan was stopped, one of the officers removed his handgun from his holster and his report states he did not point the gun at Mr. Duncan contrary to some reports. When the officer realized that Mr. Duncan looked compliant and shocked by what was happening, the officer holstered his weapon. Sergeant Tramontozzi apologized to Mr. Duncan and his wife. There were fist bumps, there were no handshakes, due to the pandemic and apologies were made. After the incident, Detective Murray stayed on the scene and spoke with Mr. and Mrs. Duncan. This was a very unfortunate experience; it was quite a coincidence and unfortunately this couple was living on Eddy Street and had some resemblance to a wanted male. The department certainly wanted to talk to his girlfriend as well.

In the course of policing, a lot of innocent people are stopped and hopefully with minimal impact, although there was some emotional trauma in this case. Now, one of the problems that have come up is that at first there was no use of force report recorded. The Newton Police Department policies, procedures and general orders will be available on the internet soon because today, the department signed a purchase order to do this. When an officer draws his weapon a use of force report is completed. Like any policy, unfortunately especially after a stressful incident sometimes this does not work out. Prior to his retirement, former Chief MacDonald informed Interim Chief Mintz that two of the City Councilors that he did make that statement on Zoom and speaking with the Chief Operating Officer, Mr. Yeo to the best of his recollection seems to recall this as well. It was something that former Chief MacDonald stated that the officers involved were counselled about this issue, it was documented, they have received training by the department's Use of Force Sergeant who trains officers in this area. This has been documented.

It is really important to note that two days after the murder, this wanted man from Boston, MA was arrested on Eddy Street at his girlfriend's home on the back stairs. This was a joint operation by Boston and Newton Police Departments. This man was removed from the street

and is being held without bail. Interim Chief Mintz feels that Newton and Boston Police Department joints efforts and cooperation should be commended and supported (other than the oversight that happened) because of this dangerous activity and the success that no one was injured, other than the emotional upset unfortunately to Mr. and Mrs. Duncan.

In conclusion, the department concluded that proper police and felony procedures were followed. The Newton Police track records have been excellent. Interim Chief Mintz does not think one will find incidents being talked about in the National media. Of course, there is always room for improvement and the department will always be pursuing training with that goal in mind.

Interim Chief Mintz offered to answer Councilors questions and stated that if he did not have the information, it may be possible for him to conduct additional research and provide answers.

Councilors questions, answers and comments:

Regarding the officer who unholstered his weapon, it is important to be specific regarding the maneuver because in many ways it is the center of this incident. Please describe specifically on what unholstering a weapon looks like from a prospective on a person being stopped. Is the weapon pointed downwards and held, is it unstrapped or is the weapon pointed at the suspect? Interim Chief Mintz stated that he was not at the incident and does not have video. The statement made by an officer at the scene indicated that the officer did not point his weapon at Mr. Duncan. Later, Mr. Duncan stated on social media that the weapon was pointed at him. In any stressful incident, it is really hard. A lot of times an officer will have a weapon outside of a holster and it could be in the ready position. Actually, by policy and law the officer could have pointed the weapon at Mr. Duncan. Interim Chief Mintz stated that evidence provided, this was not the case. The weapon was available in case it was needed.

It was then stated that with respect, this is a distinction with a difference. It does matter whether the weapon was pulled and pointed downwards, weapon unholstered and pointed at the suspect. This should have been reported pursuant to the Newton Police Departments standards. The right to carry a weapon comes with a responsibility to use it properly and the fact that the report channels were not followed means that good information was not provided and what the experience was like for Mr. Duncan. Two months after the incident, we should know whether he had a weapon pointed at him or not. Interim Chief Mintz answered that social media indicates the weapon was pointed. The officer states in writing, the weapon was not pointed at Mr. Duncan. When people are under stress and a lot of times when stress happens the rules of the good book go out the window. This is a potentially combat situation and Interim Chief Mintz stated without any hesitation that the weapon was not pointed at Mr. Duncan. If the weapon was pointed at Mr. Duncan, it would have been justified but the weapon was not. The Councilor objected to this comment as it was not a combat situation, it is a constituent acting with law enforcement. It matters whether this weapon was pointed at the suspect or not. It matters that this information is reported in real time, accurately and through the chain of command. The Councilor hopes that a firm answer is available about this in two months. Interim Chief Mintz then stated that he is giving a firm answer and respectfully

disagrees about this. Newton Police Department had two officers watch the first marathon bomber die and three to four officers see 911 terrorists in a motel in the City and a carjacking. This is not something Newton usually deals with like inner cities do. Newton has lost officers which were killed in the line of duty, fortunately not in several years but it was a dangerous situation. The City took a murder suspect out of the neighborhood. The Councilor stated that it was good police work, the murder suspect was removed from the neighborhood who clearly posed a threat. The Councilor then stated that accurate dissemination information up the chain of commands about the way police officers use weapons is extremely important. It is how the City builds trust with the community, it is how people know the responsibility and right of carrying a weapon is taken seriously by police officers. It feels like this did not happen in this situation. Interim Chief Mintz said that a lot of bad information was passed along on social networking. If you look at Newton Police Department surveys over the years, the trust has been at a high level. He then stated that he agrees that this incident has damaged it and is hopeful the City and City Councilors would back the department and officers on this matter.

It was stated that the only thing that went wrong seems to be the timing of the report. There has been an independent investigation of this incident that said that the unholstering of the weapon and the stopping of Mr. Duncan were completely justified. This situation happened before the pandemic and was laid into a vulnerable time in history with policing in America that needs to be changed. Mr. and Mrs. Duncan have lived in Newton for a very long time. When profiling, stopping a person because of their color of skin just because you want to know why they are there not because you are in a middle of an investigation with a picture of a man that is very similar and known to be on Eddy Street. Two days later, the suspect was caught. That is good police work, not profiling. Emotionally the Duncan's were upset, anyone who gets stopped by the police would be. It was explained and understood. The City needs to be honest with situations that may be horrific, and it needs to be changed. It may be bad reporting which needs to be fixed. You cannot sit by and interview a person who fits a description. Mr. Duncan was stopped that day because the suspect put ten bullets in a person in Dorchester, MA and was known to be possibly in Newton, MA on Eddy Street. There is a difference between profiling and conducting police work. The stopping of Mr. Duncan was justified. The Councilor stated that he would like to conversate with Mr. and Mrs. Duncan and how the police officers dealt with the situation. Interim Chief Mintz answered that Mayor Fuller and former Chief MacDonald has spoken with Mr. Duncan.

It was asked if the photo provided by the *Newton TAB* was a booking photo after Mr. Barnes was arrested or a photo the Newton Police was working from? Interim Chief Mintz answered that the photo was one that the department was working from and is almost certain that was the photo the department was using in search of the suspect. Interim Chief Mintz did not have the photo available. He will confirm this information. The Councilor stated that it took a very long time for the photo to be released to the public and asked if this was done under Interim Chief Mintz Administration would it have been done differently in a situation like this? Interim Chief Mintz answered in a murder case, the department releases a photo of a person who is dangerous right away. This would be Interim Chief Mintz's policy. However, there is National talk amongst Police Chiefs about not releasing photos of suspects because of the impression it will give to certain groups. That is a controversial practice.

Once the suspect was in custody, how similar did the person look like Mr. Duncan? Interim Chief Mintz said that he was not working when this happened. The other problem the department encounters are photos of suspects don't always look like the real person. When the department has a serious crime and are looking for a suspect, sometimes it is difficult, people grow hair, loose hair and make changes. There are a lot of issues. Sometimes, the department brings in an artist to improve upon a photo.

Was the description provided by the Boston Police Department include a description of facial hair which is what they most had in common. Interim Chief Mintz said that he would not agree; but did not have an answer available. He will confirm this information.

Were residents of Eddy Street informed that they should be extra careful? Interim Chief Mintz answered no, to the best of his knowledge. The department did not know for sure; it was under surveillance and that the suspect was going to Eddy Street. The department knew of a threat, but the department was doing a surveillance alternating with the Boston Police Department ensuring the neighborhood would be protected. It was a shooting in Boston. Newtons intelligence was not that the suspect was a specific threat to anyone on Eddy Street. The department also wanted to apprehend the suspect, if the girlfriend was made aware, the department would not have been able to apprehend the man.

The incident began on May 18, Mr. Duncan was stopped on May 20 was surveillance 24/7 since being alerted by the Boston Police Department? Interim Chief Mintz answered that the report did not have this information. He does not think surveillance was 24/7. Mr. Duncan was stopped on May 20. The murder occurred on May 18. The Newton and Boston Police Departments arrested Mr. Barnes on May 21, at 9:35. The Councilor stated that the Boston Police News states that Mr. Barnes was located and arrested on May 21, at approximately 7:50 p.m., in the area of 1165 Blue Hill Avenue, Dorchester, MA. The address of a Boston Police Sub-Station. Why don't the records indicate that Mr. Barnes was arrested in Newton? Interim Chief Mintz answered that Mr. Barnes was arrested in Newton. Mr. Barnes was brought to Newton Police Head Quarters and then transported to Boston, MA. 1165 Blue Hill Avenue is probably a booking address and does not know the reason why the Boston Police News reports it as such.

It was asked since the girlfriend was known to Newton police did the officer conducting the surveillance know what she looked like and did she have any resemblance to Mrs. Duncan? Interim Chief Mintz answered that he did not know this information and is not sure if Sergeant Tramontozzi was familiar with this woman. The detective who was alternating surveillance and came as a backup was familiar with the girlfriend. This detective was not using binoculars and when she arrived at the scene; she realized that Mrs. Duncan was not the girlfriend. The whole incident happened in about three minutes, which was checked by radio recordings. There was not a lot of time on the scene.

How good of a view with the binoculars did the officer have of Mr. Duncan's face? Was Mr. Duncan wearing a hat or anything that it would make it difficult to see his receding hair line? The hairlines look very different on Mr. Duncan and Mr. Barnes. Interim Chief Mintz answered that he did not know.

Was there an officer who failed to complete a report? Was there a Sergeant who also had a form that was supposed to be completed but was not? Have these officers been disciplined or has there been follow up to them on the failure to complete these forms? Interim Chief Mintz answered that reports have been written since but were not written in a timely fashion. They were not done contemporaneously with the incident. An incident report and use of force report should have been written because it was a threshold inquiry and the use of force. Interim Chief Mintz stated that he does not know how former Chief MacDonald analyzed police management. In police management, the department reviews the report and determines if it is a mistake of the heart or a mistake of the head. Interim Chief Mintz stated that the officers were not trying to hide anything. There was a mistake of their head. It was not something that was done dishonestly. The officers received letters in their personnel files of counseling and received training. All of which are documented in their personnel file, which was the personnel action that was taken. No suspension or discipline actions were taken.

Would body cameras be appropriate for the Newton Police Department? Interim Chief Mintz answered that he was originally not a fan of body cameras because under the Freedom of Information Act it can be costly and labor intensive for a Police Department. The camera does not always capture the complete picture or perspective of an incident. As an example, when you are restraining a handcuffed suspect which is only a restraint. Interim Chief Mintz stated that he has been hurt twice by people who were handcuffed. People have been seriously injured when kicked or even killed by a handcuffed suspect. You cannot always understand everything just because it is on camera. The way things are today and with this incident, Interim Chief Mintz believes that it is inevitable and essential that body cameras will be here. Body cameras are expensive, require training and believes that body cameras will involve Collective Bargaining. Body cameras will eventually happen.

Mr. Duncan has indicated in a direct commentary, that he was in fear of his life whether the gun was pointed at him or pointed down. His recollection after the incident, was that he was ashamed and was afraid for his life. So afraid that he was unwilling to remove his wallet from his pocket. Interim Chief Mintz said at the time, an apology was made. Of course, Mr. Duncan was afraid, and the officers were afraid too. Mr. Duncan was an unfortunate, inadvertent victim of this crime and search. Mayor Fuller and former Chief MacDonald have talked with Mr. Duncan. In police work, it is unfortunate these types of things happen. It is the nature of the police work. Police officers stop a number of people who are not the actual suspect that the department is looking for. This was a particularly brutal crime which was certainly a most difficult situation that a police officer is going to deal with.

It was stated that City Councilors have received direct comments from residents over the years, residents who have experienced other instances with the Newton Police Department on incidents that they are not happy with. It is very important for information to be directly reported on. It would have been better to hear about the incident from Mayor Fuller or former Chief MacDonald, rather than Mr. Duncan.

There are very few black people living in Newton, there are many more white people. If the tables were turned and the Boston Police Department called about a tall white male, how might things have been the same or different if a white male and his wife were walking down Eddy Street? Interim Chief Mintz answered that this is a common question. The department would start narrowing the statistics on a tall white male and woman on Eddy Street. The tall white male would have been stopped. The department discusses this in training. The Councilor said that she feels heartened by the answer and is hopeful that this is the case and is the right answer. Interim Chief Mintz stated that prior to his retirement, the department had implicit bias training with the command staff. Right now, it is bias free policing. The department constantly has conversations internally and are reviewing this very carefully. The department heard a report about a black teenager who might be greeted by a police officer politely, but wonder would this have happened if I was a white teenager.

It is necessary to have reports and details on how weapons are pointed at suspects. What is the normal protocol if someone was supposed to file a report and did not? Interim Chief Mintz answered that normally the supervisor talks to the officer and requests them to file a report and reminds them to file the report. The department has many many general orders. There are approximately 450 accreditation standards. There are a lot of rules and regulations in the department.

Interim Chief Mintz, do you recall approximately 5-6 years ago, attending the Black Lives Matter march near the Myrtle Baptist Church? You were aware of these issues then because we discussed how some kids looked nervously at the police officers. There is a balance to catch dangerous people, but we want to make sure that our practices are such, that we are not going beyond in our practices and ways that are not fair towards our residents of color. Understandably so, it is a difficult balance. The Police Department wants to feel supported because they are on the front line possibly dealing with someone very dangerous. Interim Chief Mintz answered yes, he recalls this event.

The City is having internal conversations as it is part of the Police Reform Task Force efforts on practices regarding dispatch. Conversations were held with former Chief MacDonald regarding 911 calls and suspicious black people. It would be great not to have one more incident. Is there something that can be done quickly to change police practices prior to the Police Reform Task Force making recommendations regarding how and when the department responds to a suspicion person?

Please explain the Newton Police Department policies, procedures and general orders purchase order. Interim Chief Mintz answered that Mr. Yeo made a suggestion which is being done in Boston and Brookline to put the general orders including issues of use of force and reports on the website. The general Police Department operation would not have documents such as standard operating procedures that would have personal phone numbers and who to call at certain times. The general orders would be available on the Police Department website for review and printing. The person would be able to discuss an order with the Police Department. The general order is not available at this time, the department is purchasing from a vendor who also supplies the department with their online accreditation documentation. The purchase order was being processed today; the software will be provided by the vendor. Interim Chief Mintz said that he is not sure how long it will take before the general orders are available on the website. The general orders will allow people to better understand the departments operating procedures. The information is available now , but not on the website. Mr. Yeo said that he will provide Committee members with other Police Department general orders.

Chair Auchincloss thanked Interim Chief Mintz for his recitation on the Mr. Tim Duncan investigation and stated that the Committee looks forward to working with him for the remainder of his tenure. Committee members welcomed Interim Chief Mintz back to the department. He then stated that the Police Reform Task Force is getting underway. The Committee is looking forward to hearing their recommendations.

In closing, Interim Chief Mintz stated that this incident has been a difficult issue and is hopeful the department will have a supportive relationship with the Councilors. He then stated that there certainly is work for the department to do. If you have additional questions, suggestions or comments, please contact him.

At approximately 9:10 p.m., Councilor Downs made a motion to adjourn. Committee members agreed 6-0.

Respectfully submitted,

Jacob D. Auchincloss, Chair