



# **Public Safety & Transportation Committee Report**

## **City of Newton** **In City Council**

**Wednesday, October 20, 2021**

Present: Councilors Downs (Chair), Malakie, Bowman, Grossman, Oliver, Lipof, Markiewicz and Lucas

Program & Services members: Councilors Noel (Vice Chair), Greenberg, Albright, Wright, Humphrey, Baker and Ryan

Absent: Councilor Krantzman (Chair)

Also Present: Councilor Crossley, Kelley and Leary

City Staff Present: Chief Operating Officer Jonathan Yeo; Chief Financial Officer, Maureen Lemieux; Commissioner of Inspectional Services John Lojek; School Committee Chair, Ruth Goldman, Assistant Superintendent Liam Hurley; Chief John Carmichael, Jr., and Lieutenant George McMains, Newton Police Department

New TV

**#138-21      Discussion with the Administration on the Newton Police Reform Task Force**  
PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting a discussion with the Administration on the Newton Police Reform Task Force recommendations and matters pertaining.

**Public Safety & Transportation Held 8-0 on 10/06/21**

**Action:**      **Public Safety & Transportation Held 8-0**

**Note:**      Docket items #138-21, #272-21 and #248-21 were discussed together. Please refer to docket item #248-21 for discussion on these items.

**#272-21      Request for quarterly updates on Task Force recommendation progress**  
COUNCILORS NORTON, ALBRIGHT, WRIGHT, LUCAS, KALIS, GREEN, BOWMAN, HUMPHREY, LAREDO, KRINTZMAN, DOWNS AND LIPOF requesting quarterly updates from the Mayor and Police Chief to the Police Reform Task Force and Public Safety and Transportation Committee on the progress toward implementing Task Force recommendations.

**Public Safety & Transportation Held 8-0 on 10/06/21**

**Action:**      **Public Safety & Transportation Held 8-0**

**Note:** Docket items #138-21, #272-21 and #248-21 were discussed together. Please refer to docket item #248-21 for discussion on these items.

**#248-21 Discussion with the Police Department regarding training**

COUNCILORS BOWMAN, GROSSMAN, DOWNS, HUMPHREY, LIPOF, RYAN, LEARY, DANBERG AND NOEL requesting a discussion with the Newton Police Department on training including discussion of training that supports the Police Reform Task Force recommendations for additional training for officers on systemic racism, behavioral health and cultural responsiveness to marginalized communities. Discussion should include what training officers and others are attending (internal and external) including overview of the content, who is receiving the training, and an assessment of the effectiveness.

**Public Safety & Transportation Held 8-0 on 10/06/21**

**Action:** **Public Safety & Transportation Held 8-0**

**Note:** Chief John Carmichael, Jr. joined the Committee for discussion on docket items #138-21, #272-21 and #248-21.

Chief Carmichael stated that he is honored to be the Chief of Police. The public has been supportive of the Chief and officers making him feel excited about the future of the department. The department is fortunate to have high caliber officers, dispatchers, civilians, parking control officers and crossing guards. All do an exemplary job. The department members are very committed, compassionate and vested in the community.

Years ago, the Newton Police Department (NPD) had over 200 officers employed. Currently the department is budgeted for 149 officers, but has 140-142 officers (1.6 officer per 1,000 residents). In Massachusetts, you typically see 1.5 officer per 1,000 residents to 2.1 officers per 1,000.

Committee members were provided with the NPD Response to Newton Police Reform Task Force (NPRTF) Recommendations chart (attached). Chief Carmichael explained the chart in detail. The chart was created to assist the department in achieving the recommendations made by the NPRTF. Chief Carmichael stated that he looks forward to progressing and accomplishing the NPRTF recommendations. The NPRTF aligns with Post Officer Standards & Training Commission (POST), Police Reform Bill known as the act relative to justice, equity and accountability in law enforcement in Massachusetts. We discussed POST in this Committee on October 6, 2021.

The chart includes five recommendations, three objectives to each and the NPD response.

The five NPRTF recommendations are as follows:

I. Improve relationships between the newton community & Newton Police Department – police oversight.

2.. Ensure racial, ethnic, and gender diversity among police personnel and leadership by leaving the civil service system.

3. Ensure that the Police Department understands and meets community safety needs.

4. Support a healthy, inclusive culture within the Police Department through a culture change initiative emphasizing a customer service orientation and a guardian mindset among police personnel.

5. Refine the scope of policing by developing alternative response strategies for community concerns.

**Committee members' suggestions, questions and answers:**

**Please clarify the Commonwealth versus Long case. Is it for a bias motor vehicle stop or an arrest?**

Chief Carmichael answered either, if an officer stops and issues a citation or for a suspended license the reason for the stop would have to be identified. The motorist could raise an inference if they felt the stop was bias. In criminal cases there is a motion to either suppress the stop or dismiss the case if bias was found. The judge would have the final ruling.

**What is the TI simulator abbreviated from?** Chief Carmichael answered that he did not know. The TI simulator is used for force and de-escalation techniques to assist the department with training.

**How is morale in the department? Have you seen changes over the past five months?** Chief Carmichael answered that in his opinion, NPD is a great department. Morale is very important. Officers need to feel supported, valued and appreciated. Policing is a very difficult job. Progress is being made as recommended by the Newton Police Task Force.

**Please explain what training the clinician has received?** Chief Carmichael answered that the clinician works as a dual response model to different types of situations. The clinician is trained for crisis intervention and co-responds with police to conduct mental health evaluations on individuals in crisis. Her other task is as jail diversion clinician. The clinician is very involved with the court system including mental health or drug court.

**What is the reason the NPD officers might not favor leaving civil service?** Chief Carmichael answered that civil service offers protection for officers. Civil service allows for an officer to file an appeal. Civil service is a very strong organization and something we are used to in Massachusetts.

**Can the department handle the number of crisis calls?** Chief Carmichael answered yes. The crisis intervention team is designed to review cases that have occurred. The team aims at getting to the bottom of the issue to prevent further types of situations from occurring in the future. The NPD, Riverside, DMH and the Newton Wellesley Hospital review the case and provide the necessary resources for the individual or family to receive the help they need. Not all cases are successful due to different types of barriers.

**The clinician is only available part of the time, is it a department goal to have a clinician 24/7?**

Chief Carmichael answered that the department has not discussed this. The clinician deals with the issues during the day such as going to court and the hospital. The clinician co-responds to calls with officers, completes the follow-ups with officers and completes the follow-ups with court.

At future meetings, please provide additional explanations on the meanings of organizational information, community engagement plan and data reports.

Committee members thanked Chief Carmichael for his thorough presentation.

Without further discussion, Councilor Oliver made a motion to hold docket items #138-21, #272-21 and #248-21. Committee members agreed 8-0.

**Referred to Public Safety & Transportation and Programs & Services Committees****#49-20(3) Requesting report as to the implementation of the leaf-blower landscaper registration and enforcement**

COUNCILORS ALBRIGHT, BAKER, WRIGHT, HUMPHREY, NOEL AND GREENBERG requesting a report from the Executive Department, including the Chief of Police and the Commissioner of Inspectional Services, as to the implementation of the leaf-blower landscaper registration and enforcement ordinance amendments effective Labor Day 2021.

**Programs & Services Held 7-0 on 10/20/21****Action: Public Safety & Transportation 8-0**

**Note:** The Committee met jointly with the Programs and Services Committee to discuss this item. Please refer to the Program & Services Committee report dated October 20, 2021, for discussion on this item.

**Referred to Programs & Services and Public Safety & Transportation Committees****#271-21 Request for a discussion on School Bus Transportation**

COUNCILORS BOWMAN, CROSSLEY, DANBERG, DOWNS, GREENBERG, GROSSMAN, HUMPHREY, KALIS, KELLEY, KRINTZMAN, LAREDO, LUCAS, MARKIEWICZ, NOEL, NORTON, OLIVER, RYAN, LEARY AND WRIGHT requesting a discussion with the Newton Public Schools to review the school bus transportation program including expenses and fees charged to students and upcoming bus contract and as part of a comprehensive school transportation strategy.

**Programs & Services Held 7-0 on 10/20/21****Action: Public Safety & Transportation Held 7-0, Councilor Lipof not voting**

**Note:** The Committee met jointly with the Programs and Services Committee to discuss this item. Please refer to the Program & Services Committee report dated October 20, 2021, for discussion on this item.

The Committees adjourned at approximately 10:24 p.m.

**Respectfully submitted,**

**Andreae Downs, Chair**

**NEWTON POLICE DEPARTMENT**  
**RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21

#272-21

#248-21

10/18/21 Chief Carmichael

<b>Recommendation</b>	<b>Objective</b>	<b>Objective</b>	<b>Objective</b>
<b>I. Improve Relationships Between the Newton Community &amp; Newton Police Department – Police Oversight</b>	Ensure ongoing dialogue & mutual accountability between Newton community & NPD	Ensure feedback regarding the behavior of NPD personnel is swift & ongoing	Increase communication and connection between the community & NPD
<b>RESPONSE</b>	<b>-POST</b>  -All NPD complaints submitted to POST w/in 2 days  -Public Safety & Transportation Committee  -Citizen Complaints -Internal Affairs -Public Records (Disciplinary when Misconduct involved)  -DA-Brady Disclosure  -Long Hearings	<b>POST</b> <b>Div. Police Certification</b> -Officer Cert. Standards -Officer Data Base -Agency Certification  <b>Division of Police Standards (DPS)</b> -Complaint Database -Investigations -IA Audit -Suspend, Revoke, Retrain  (Must be accurate & fact based) – law, policy, procedures)	<b>Practices, Policies, Procedures</b>  <b>Community Policing Philosophy</b> 1. Organizational Transformation 2. Problem Solving Oriented Root cause & underlying issues 3. Community Partnerships <b>*NPD Community Engagement Plan (Draft)</b>  <b>21<sup>st</sup> Century Policing Philosophy</b> -Procedural Justice -Police Legitimacy -Fair, Impartial, Voice, Transparency
<b>II. Ensure Racial, Ethnic, and Gender Diversity Among Police Personnel and Leadership by Leaving the Civil Service System</b>	Develop a strategy for hiring & promoting NPD personnel that  (a) has a strong chance of increasing diverse	Develop & implement an outreach and recruitment strategy that is likely to appeal to a broader demographic of potential future law enforcement personnel	Include language about the specific role Newton would like for its police to play in communities (i.e., “guardians” rather than “warriors”).

**NEWTON POLICE DEPARTMENT**  
**RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21  
#272-21  
#248-21

10/18/21 Chief Carmichael

	<p>representation</p> <p>(b) offers some of the more important protections currently provided through the current hiring and promotion system, and</p> <p>(c) extends preventive measures in certain areas (e.g., preventing nepotism).</p>		
<b>RESPONSE</b>	<p>POST – Commission to review &amp; reform CS</p> <p>-Recruitment in MA substantially lessened</p> <p>-NPD list is diverse</p> <p>-Civil Service – Race &amp; Gender Based Lists</p> <p>-Non-Civil Service Requires Bargaining</p>	<p>-Needed statewide</p> <p>-NPD = 29 candidates on new Civil Service List</p> <p>Mayor/Chief: Seek ways to recruit Metco Students &amp; Explorers.</p> <p>NPD did do recruitment posters on social media</p>	<p>-This may be built into any recruitment campaigns.</p> <p>-Police Are Guardians</p> <p><b>-Newton Police Values:</b></p> <p>-Aligned w/personal values</p> <p>-NPD invested in community</p> <p>-Committed to service</p> <ul style="list-style-type: none"> <li>• Respect</li> <li>• Fairness</li> <li>• Integrity (trust)</li> <li>• Compassion</li> <li>• Accountability</li> <li>• Character</li> </ul>
<b>III. Ensure that the Police Department Understands and</b>	<p>Ensure that NPD personnel have effective, ongoing training to guarantee</p>	<p>Ensure that NPD staffing levels are adequate to meet community needs.</p>	<p>Use improvements in data collection &amp; management capabilities to increase</p>

**NEWTON POLICE DEPARTMENT**  
**RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21  
#272-21  
#248-21

10/18/21 Chief Carmichael

<b>Meets Community Safety Needs.</b>	<p>proficiency in areas of critical importance to Newton Community:</p> <ul style="list-style-type: none"> <li>• Impacts of historic, systemic racism on current policing practices</li> <li>• Best &amp; emerging practices for first responders to behavioral health crises</li> <li>• Cultural responsiveness to underserved and historically marginalized communities</li> </ul>		<p>transparency &amp; accountability of police operations to the Newton community</p>
<b>RESPONSE</b>	<b>Training</b>  <b>-Facility</b> Capital Improvements – Facility conducive to training  -FBI-LEEDA  -Integrating Tactics & Communication De-escalation (ICAT)  -Project ABLE (duty to	<b>Strategic Plan</b>  NPD had 200+ officers NPD = 140 (staffed 149) NPD = (-)50 officers  Police Understaffed 1.6 officers per 1000 89k x 1.6 =142 officers  Average 1.8 - 2.1 per 1000  Dispatch Crossing Guards	<b>Public Safety &amp; Transportation</b>  -Tracking suspicious person calls -Policy on suspicious person calls -Long Hearings – Comm v. Long (None for NPD)  <b>MGL c. 90 § 63 (Hands-Free)</b> <b>JEALE – MGL c. 6E § 1(h)</b> -RMV Data Collection – Report to EOPSS -EOPSS annual report (university) -All Mass. Uniform Citations <ul style="list-style-type: none"> <li>• Warnings,</li> </ul>



**NEWTON POLICE DEPARTMENT  
RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21  
#272-21  
#248-21

10/18/21 Chief Carmichael

	<p>intervene &amp; report)</p> <p>-Cox Associates &amp; Gerard Cox</p> <p>IACP One Mind Campaign - Crisis</p> <p>-Intervention Training (CIT)</p> <p>-Mental Health First Aid</p> <p>-Co-Response Model w/NPD Clinician</p> <p>-Community Crisis Intervention Team</p> <p>-TI Simulator (use of force &amp; de-escalation)</p> <p>-Training curriculums 2016-2021</p>	<p>Civilian Staff</p> <p>Community Policing requires freeing up officers for engagement – opens broad focus on policing not narrow focus on rapid response</p> <p>Measurements:</p> <ul style="list-style-type: none"> <li>• Part 1 &amp; 2 crimes</li> <li>• Calls for service</li> <li>• Incidents reported</li> <li>• 911 calls</li> </ul>	<ul style="list-style-type: none"> <li>• Citations,</li> <li>• Arrested,</li> <li>• Age</li> <li>• Race</li> <li>• Gender</li> <li>• Traffic infraction,</li> <li>• Date, Time, Municipality</li> <li>• Vehicle searched,</li> <li>• Stop resulted in a warning, citation or arrest</li> </ul> <p><b>Violation:</b></p> <p>-1 year, collect data on all stops, (include verbal), implicit bias training.</p> <p>-AG Civil Action for racial profiling</p> <p><b>Benchmark Analytics Software</b></p> <p>Use of Force De-escalation (track) Internal Affairs</p> <p><b>POST Public Database:</b></p> <p>National Decertification Index Division of Police Certification-DPC Division of Police Standards-DPS</p> <p><b>NPD Submitted Records 9/30/21</b></p> <p>Publicly available and searchable database containing records for law enforcement officers. Must consider the health and safety of</p>
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**NEWTON POLICE DEPARTMENT  
RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21

#272-21

#248-21

10/18/21 Chief Carmichael

			<p>the officers.</p> <p>The Division of Police certification, in consultation with the Division of Police standards, shall create and maintain a database containing records for each certified law enforcement officer, including, but not limited to:</p> <ol style="list-style-type: none"><li>(1) certification;</li><li>(2) any recertification;</li><li>(3) training records</li><li>(4) any written reprimand and reason</li><li>(5) any suspension and reason</li><li>(6) any arrest and/or criminal charge(s)</li><li>(7) any internal affairs complaint;</li><li>(8) the outcome IA Investigation</li><li>(9) any criminal conviction and crime(s)</li><li>(10) any separation from employment with an agency and the nature of the separation, including, but not limited to, suspension, resignation, retirement or termination;</li><li>(11) the reason for any separation from employment, including, but not limited to, whether the separation was based on misconduct or whether the separation occurred while the appointing agency was conducting an investigation of the certified</li></ol>
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**NEWTON POLICE DEPARTMENT  
RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21  
#272-21  
#248-21

10/18/21 Chief Carmichael

			individual for a violation of an appointing agency's rules, policies, procedures or for other misconduct or improper action; (12) the date of decertification, if any, and the reason for said decertification; and (13) any other information as may be required by the Commission.
<b>IV. Support a Healthy, Inclusive Culture Within the Police Department Through a Culture Change Initiative Emphasizing a Customer Service Orientation and a Guardian Mindset Among Police Personnel.</b>	<p>Implement a culture change initiative w/in NPD focused on:</p> <ul style="list-style-type: none"> <li>• Cultivating customer service orientation;</li> <li>• Continuing the transition from a "warrior mindset" to a "guardian mindset" in operations and training;</li> <li>• Improving procedural justice and problem-oriented policing;</li> <li>• Improving bias-free policing through data management;</li> <li>• Transformation of police attitudes towards use of force;</li> </ul>	Focus on improving procedural justice and problem-oriented policing.	Demonstrate a commitment to officer wellness.

**NEWTON POLICE DEPARTMENT  
RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21

#272-21

#248-21

10/18/21 Chief Carmichael

	and  • End stigma surrounding reports of sexual or race-based harassment and misconduct.		
<b>RESPONSE</b>	Partner with Cox Associates  Comprehensive organizational development & training proposal framework.  Covers all IV.	<b>Policies &amp; Practices</b> NPD root causes – underlying issues  <b>Training Curriculum 2016 – 2021</b>  -Procedural Justice -Police Legitimacy -Fair & Impartial Policing -Implicit/Explicit Bias (I & II) -Dynamics of Addiction (Substance Use Disorders) -Alzheimer's & Dementia Intervention -Use of Force -De-escalation -Police Interaction with Youth -Domestic Violence -Sexual Assault (High Risk – DV) -Stress & Officer Wellness -Longevity in Policing -Integrations, Communications & Tactics	<b>Cumulative Stress on Officers</b>  Officer Wellness Toolkit  Fitness Facility NPD (Decompress)  Critical Incident Stress Management (CISM)  CISM Law & Policy (Confidential)  Defuse – Debrief – After Action Review  Community Resource Dog

**NEWTON POLICE DEPARTMENT  
RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21  
#272-21  
#248-21

10/18/21 Chief Carmichael

		<p>(ICAT De-escalation Techniques) -Police Interactions with Persons w/mental illness -Non-Bias Based Policing – -Racial Profiling -Dealing with People with Disabilities</p> <p><b>Policies:</b> Non-Bias Policy Racial Profiling Policy Transgender Policy Eye Witness ID Comm v. Long</p> <p><b>Problem-Oriented = Community Services Bureau &amp; 4<sup>th</sup> Platoon</b></p>	
<b>V. Refine the Scope of Policing by Developing Alternative Response Strategies for Community Concerns.</b>	Develop non-police response strategies to address emergency behavioral health and social service needs of Newton community	Develop non-police response strategies for City ordinance violations “nuisance complaints.”	<p>I. Eliminate or reduce ordinance violation &amp; nuisance calls to 911 dispatch.</p> <p>II. Proactively support police and community partners in distinguishing behavioral health crises from threats to community safety.</p>

**NEWTON POLICE DEPARTMENT  
RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21  
#272-21  
#248-21

10/18/21 Chief Carmichael

RESPONSE	Community Services Bureau	Registration (Leaf Blower)	Registration Process
	<ul style="list-style-type: none"> <li>-Juveniles</li> <li>-Substance Use Dis.</li> <li>-Mental Health</li> <li>-Domestic Violence</li> <li>-Child abuse</li> <li>-Sexual Assault</li> <li>-Hate Crimes/Incident</li> <li>-Jail Diversion</li> <li>Clinician</li> </ul>	<ul style="list-style-type: none"> <li>Inspectional Services Department (ISD)</li> <li>1500 Leaf blower Calls</li> </ul>	<ul style="list-style-type: none"> <li>Ordinance Education</li> <li>CCIT</li> <li>Call Dynamic</li> <li>-Domestics</li> <li>-Substance Use Disorder</li> <li>-Biological (inherited)</li> <li>-Environmental (upbringing)</li> <li>-Developmental (interruptions)</li> <li>CIT Training</li> <li>Mental Health 1<sup>st</sup> Aid</li> <li>IACP Once Mind</li> </ul>
	<p><b>CCIT:</b></p> <p>Community Crisis Intervention Team &amp; (Newton HHS)</p> <ul style="list-style-type: none"> <li>-Deb Youngblood</li> <li>-Meghan Kennedy</li> </ul> <p>Drug Court Session</p> <p>Mental Health Session (Court)</p> <p>Section 12</p> <p>Section 35</p> <p>(C4RJ) Communities for Restorative Justice (Referrals)</p> <ul style="list-style-type: none"> <li>-Face-to-face encounters</li> <li>-Repair harm to victims</li> <li>-Alternative to punishment</li> </ul>		

**NEWTON POLICE DEPARTMENT  
RESPONSE TO NEWTON POLICE REFORM TASK FORCE RECOMMENDATIONS**

#138-21  
#272-21  
#248-21

10/18/21 Chief Carmichael

	<ul style="list-style-type: none"> <li>-Offender Responsibility</li> <li>-Improved behavior</li> <li>-Less punitive</li> <li>-Victims of Trafficking and Violence Protection Act (U &amp; T Visa)-</li> <li>M.G.L. Chapter 258F</li> <li>§§ 1-</li> <li>U-Visa (crime, victim)</li> <li>T-Visa (Human Traffic)</li> </ul>		
<b>Equipment/Issues</b>	<b>Less Lethal Options</b> <ul style="list-style-type: none"> <li>Conducted Energy Weapons (CEW)</li> <li>RADAR</li> <li>Flashlights</li> <li>Facility</li> <li>Dispatch</li> <li>Staffing</li> <li>Organizational Chart</li> </ul>	Impact Bargaining	