



Public Safety & Transportation Committee Report

City of Newton **In City Council**

Wednesday, March 22, 2023

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

Absent: Councilor Malakie

City Staff: Chief Gregory Gentile and Assistant Chief Mike Bianchi, Newton Fire Department and Chief John Carmichael, Newton Police Department

Others Present: NewTV

For more information regarding this meeting, a video recording can be found at the following link:<https://newtv.org/recent-video/107-committee-meetings-and-public-hearings/7969-public-safety-and-transportation-march-22-2023>

#76-23 Requesting authorization to petition the General Court to allow the mayor to appoint retired Firefighters, to be able to perform fire details and to perform dispatch duties

HER HONOR THE MAYOR requesting authorization to petition the General Court for special legislation to allow the Mayor of the City of Newton to appoint retired Newton Firefighters, as the Fire Chief deems necessary, to be able to perform fire details and to perform dispatch duties in the Emergency Communications Center, two essential services that sometimes require additional staffing.

Action: Public Safety & Transportation Approved 7-0

Note: Chief Gentile joined the Committee.

Chief Gentile stated that this docket item requests special legislation to add retired Firefighters to our detail and our Emergency Dispatch Center. There are two areas where we anticipate potential short staffing. This docket item allows us to fill those vacancies with retirees. Fire details have increased, and we are continuing to help our Dispatch Center.

Questions, answers and comments:

What does a Firefighter detail entail? Chief Gentile answered that the department conducts two main details including welding, hot work, and blasting details or when an occupied building

loses its fire alarm system. Fire details make sure that if there are any issues in a building, we are notified immediately.

Expanding the pool of candidates who can be available for fire details is a great idea.

Have other communities requested this special legislation? Are we at the point where we should be asking our state legislators to allow this to happen in any community that wishes as opposed to us having to petition the state community by community? Chief Gentile answered that is a good question. He wasn't aware of any other community doing this. The Police Department successfully requested special legislation several years ago. To be clear, we are not struggling to fill either one of these areas now.

Does the department conduct road details and can retired Firefighters handle road details? Chief Gentile answered no, this does not address road details. Road details are police specific in Newton.

Will this make any difference in the department asking for additional overtime dollars as they do each year? Chief Gentile answered no, details are paid by the contractor requesting the details. This will have no effect on overtime.

If approved, what is the decision process? Is another vote necessary to allow this to happen? Chief Gentile answered if approved, it would go to the General Court. He will be interested to see how this plays out. This is the first time the department has done something like this.

Is this legislation only for Newton retired Firefighters or any Firefighter? Chief Gentile answered only Newton retired Firefighters.

This is meant to augment the pool of people that you have available to take care of these details. Is it offsetting any work? Chief Gentile answered no, operationally the details would go to this group only once the detail or dispatch work is offered to active Firefighters.

Do you have a sense of how many retired firefighters are eligible? Chief Gentile answered that he has been contacted by about six interested retired firefighters.

Without further discussion, Councilor Oliver made a motion to approve this request. Committee members agreed 7-0.

Referred to Public Safety & Transportation and Finance Committees

#109-23 Request to transfer \$450,000 to Traffic Safety – Regular Salaries

HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred fifty thousand dollars (\$450,000) to Account # 0120102-511001 Traffic Safety – Regular Salaries to fulfil the City of Newton's two 3-year agreements with AFSCME 2913 spanning FY2019-2021 and FY2022-2024.

Action: **Public Safety & Transportation Approved 7-0**

Note: Chief Carmichael joined the Committee.

Chief Carmichael stated that this line item covers Parking Control Officers and Traffic Supervisors (Crossing Guards), who had been working without a contract. The city recently reached an agreement with American Federation of State, County and Municipal Employees (AFSCME) on two 3-year Collective Bargaining Agreements covering FY2019 -2021 and FY2022-2024. He applauded the Union and city departments for helping get these contracts completed. The city has also been able to ink a contract with dispatchers.

Questions, answers and comments:

How many individuals are affected? The last time we had one of these items where we transferred money to bring salaries up to date in two contracts, some members of the Council questioned the large looking numbers and really wanted to understand exactly how many people were affected. Chief Carmichael answered that the contract calls for a 3% COLA increase over a six-year period covering 10 Parking Control Officers and 50 crossing guards (usually NPD crossing guard vacancies because it's been very difficult to fill positions).

Are there any folks who are due compensation that are no longer employed by the city? Chief Carmichael answered that there are probably a few.

How does the city account for vacancies?

This item is not in the current year budget. Was it funded in prior years and held in a reserve account and is now being dispersed? Chief Carmichael answered yes, the reserve is retroactive to FY2019.

Chief Operating Officer Maureen Lemieux puts funds in wage reserves every year the city does not have a contract; she uses an estimate of what the city will owe.

Newton budgets for positions that go unfilled for the entire year. Is there money available for a position that will likely go unfilled over one to two years, etc.? Chief Carmichael answered yes and is hopeful Ms. Lemieux will explain this when the Finance Committee discusses this matter.

When reviewing financial statements, not the budget, the financial statements show what has been expended. This can be confused with the current year budget. But in fact, what happened was an accrual to provide for this in prior years.

The biggest issue we hear about are crossing guards and the difficulty recruiting new crossing guards, additional crossing guards or backup. The contract will assist in recruiting crossing guards. We should be thinking about our ability to use school personnel as crossing guards although it has been complicated by both the school and union contracts. Counselors would like

to discuss recruitment, using school personnel and the future of ensuring safe crossing for pupils.

How does city salaries for crossing guards and parking control officers compare to other communities? Chief Carmichael did not have this information available. There is a staffing throughout the state.

It would be helpful to have a conversation on the possibility of using parking control officers at events to help enforce parking especially in accessible spaces, parking on sidewalks and blocking crosswalks.

During budget discussion, please provide the budget for parking control officers and how that compares to parking enforcement income separate from the accessible space violation income, which goes to the Commission on Disabilities (COD).

Without further discussion, Councilor Bowman made a motion to approve this request. Committee members agreed 7-0.

#67-22 Requesting regular discussion with the Police Department

COUNCILOR DOWNS requesting regular discussion with the Police Department of police data, including crashes, types of calls, numbers and dispositions.

Public Safety & Transportation Held 8-0 on 01/05/22

Public Safety & Transportation Held 6-0 on 03/23/22 (Councilor Oliver not voting)

Public Safety & Transportation Held 6-0 on 09/08/22

Public Safety & Transportation Held 7-0 on 12/07/22

Public Safety & Transportation Held 7-0 on 01/18/23 (Councilor Grossman not voting)

Action: Public Safety & Transportation Held 7-0

Note: Chief Carmichael joined the Committee.

Chair Downs stated that tonight's discussion will focus on police training, the number of officers trained, what types of services they are trained for and the effects of training on police operations.

Chief Carmichael stated that police training is the most crucial training, and the department has been working very hard on training, following Police Reform Task Force recommendations, and many statutory requirements for police meet. Officers are trained forty hours per year. I am happy to report that the department has done an exceptional job in making sure we've been doing all the appropriate training, as well as creating the policies that reflect the requirements of Police Officer Standards and Training Commission (POST), which essentially oversees all of

the training and certification of officers in Massachusetts. Our training is exceptional, and the department has done an incredible job.

Officers have been trained in domestic violence, sexual assault investigations, hate crimes and public safety technology--the technology piece is important because it's part of 21st Century Policing--the protection, care and custody of children after a parent or caregiver is arrested, bicycle safety, bias policing, de-escalation tactics, and interactions with mental health and developmental disabilities. School Resource Officers and Youth Officers, in addition to their police certification, are now certified meeting the necessary requirements.

Mental wellness, mental health, wellness for police officers and suicide prevention is an important part of 21st Century Policing. We are working internally on officer wellness training and the initiatives put in place to ensure the mental health of our officers. This is paramount to a stressful job. We want to make sure that officers are debriefed after certain situations, critical incidents, and that they're receiving the right care for themselves.

Other trainings align with the Task Force recommendation including Active Bystander in Law Enforcement (ABLE) training. The ABLE program was developed at Georgetown University. ABLE training creates a culture intervention and trains officers on de-escalation tactics and active bystander mentality --stopping situations if they seem to be getting out of hand. All officers are trained in ABLE.

Chief Carmichael explained in detail the Newton Police Department 2022-2023 Training Initiatives, attached.

Questions, answers and comments:

Under the section on Less Lethal Force Options, is the 40 mm sponge round launcher rubber bullets? Chief Carmichael answered that the best way to define it is baseball sized sponge. It's like a plastic or rubberized ball that gets projected out of the device.

Are sponge round launchers and shotguns in cruisers or are they stored at headquarters? Chief Carmichael answered that they are kept in the Patrol Supervisor vehicles. They are not issued to every officer. The department just purchased these tools, and officers must be trained. They will be deployed on the streets in the future.

Is a shotgun with bean bag used to deescalate a situation? Chief Carmichael answered yes, when somebody tries to remove an officer's firearm from their holster, that becomes a deadly force situation. When you're in a dynamic situation, it's not necessary to wait for the person to actually remove it from your holster, it becomes a deadly force situation when somebody tries to remove it. When you have a deadly force situation, but a less lethal force option to use, then you are thereby deescalating the situation. Officers have a very challenging job and make split second decisions. Decisions are judged by the totality of the circumstances. It is incumbent on us to put the right tools and training in officers' hands to ensure they can do that in the most

effective way as possible. The more tools they have at their disposal, the better off they are and the better off our community is.

Please provide more details on training in hate crime incidents. Chief Carmichael explained that Chapter 6, requires adding the training curriculum and training requirements likely because of the uptick on what we've been seeing across the country. We have seen a substantial increase in hate crimes occurring. In Newton, there's a difference between a hate crime and a bias related incident. We do a good job of tracking both. To be classified as a hate crime, there has to be a crime. For example, if you spray paint someone's front door, you have the underlying charge of malicious destruction, but depending on what is written, it can also be bias. We have to report all such crimes to the state as well as track them and put them into a database. With bias incidents, we take that a step further because we involve a working group that looks at the incident. We also track bias incidents, which don't have an underlying criminal element to it, per se.

I am encouraged to see the focus on officer mental health. Carmichael: In the USA, more officers die at their own hand than they do from line of duty death. We know mental health affects many people across every category, especially over the last several years, which we focus on. There hasn't always been a real focus on officer wellness, their mental health and how they're doing. Many times, it's not just the one incident that an officer goes to a call that can affect their mental health, it's the cumulative effect of going to domestic calls often that essentially starts to deteriorate their wellbeing and it's a reason why officer wellness is part of the 21st Century Policing.

On April 1, new vulnerable road user safety requirements go in effect. Are officers trained, for instance, in safe passing distance enforcement? Is there any plan from the police to educate residents and motorists? Chief Carmichael answered that internally officers have been assigned to do bike safety and to have programs where we're teaching people the rules of the road with bicycle and pedestrian safety.

Regarding ABLE training, please clarify if the correct number is 100 NPD officers are currently trained or is it ALL NPD officers are trained? Chief Carmichael answered ALL NPD officers are trained in ABLE training.

When do you anticipate officers wearing body cameras? Chief Carmichael answered he thinks by summer. The Superiors Officers Union, through their bargaining, agreed to a body camera pilot program. We have been working with Axon, the company that provides the body cameras. That is also the vendor for the conductive energy weapons. This is a pilot program to see how the cameras are received by the community. The pilot program would consist of twelve patrol Sergeants, Superintendent McMains, and myself wearing body cameras. It's easy to say that we want body cameras, and let's get them out on the streets/homes, but officers recording interactions with people including in someone's living room, or a domestic situation might not

be as welcome. We don't want body cameras to be a decision of the police. We want it to be more of a community decision.

Without further discussion, Councilor Markiewicz made a motion to hold this item. Committee members agreed 7-0.

The Committee adjourned at 8:13 p.m.

Respectfully submitted,

Andreae Downs, Chair

Newton Police Department 2022-2023 Training Initiatives
MGL c. 6E and 550 CMR 6.00 – Use of Force for Police Officers

Active Bystander in Law Enforcement (ABLE)

Following the recommendations of the Newton Police Reform Task Force, Chief Carmichael implemented training in Active Bystander for Law Enforcement (ABLE).

100 NPD Officers currently trained.

The ABLE training curriculum was developed at Georgetown University which facilitates the train the trainer program. The ABLE Project training is designed to prepare officers to successfully assume their duty to intervene and support a culture of peer intervention.

ABLE aligns with longstanding Massachusetts case law (*Commonwealth v. Adams, 416 Mass 558 (1993)*)

All NPD Officers Trained.

Integrating Communications & Tactics (ICAT)

ICAT is a use-of-force training program designed to teach police officers how to respond to dynamic, evolving, and volatile situations in which subjects are behaving erratically and often dangerously. Officers are trained to make sound critical decisions and attempts to de-escalate situations to a peaceful resolution.

120 Officer trained.

IACP One Mind Campaign

The One Mind Campaign seeks to ensure successful interactions between law enforcement and individuals with mental health conditions. The initiative focuses on uniting local communities, public safety organizations, and mental health organizations so that the three become "of one mind."

NPD made pledge to implement four critical practices to achieve one mind:

1. **PARTNERSHIP (CCIT):** Establish a clearly defined and sustainable partnership with one or more community health organizations.

Response: The Newton Police Department co-chairs the Newton Community Crisis Intervention Team (CCIT). CCIT is a partnership between community-based stakeholders responsible for the mental health and well-being of community members. These stakeholders include the Newton Police Department Jail Diversion Clinician, Newton Health and Human Services (HHS), Newton Public Schools (NPS), Coastal EMS, Massachusetts Department of Mental Health (DMH), Riverside Community Care, Advocates Mental Health Services, Springwell Social Services, Newton-Wellesley Hospital, Newton District

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Court Probation, and other related organizations. The partnership of CCIT allows us to provide the best quality of continued care for those people in need of mental health services and crisis response.

2. **POLICY:** Develop and implement a model policy addressing law enforcement response to individuals with mental health conditions.

Response: The Newton Police Department has adopted policies and procedures in responding to and handling emotionally disturbed persons and mental health crisis situations. See: GENERAL ORDER: 554

3. **TRAINING:** Train and certify 100 percent of sworn officers (and selected non-sworn staff, such as dispatchers) in mental health awareness courses by:

Providing CIT or equivalent crisis response training to a minimum of 20 percent of sworn officers (and selected non-sworn staff); and

Providing Mental Health First Aid training (or equivalent) to the remaining 80 percent of officers (and selected non-sworn staff).

Response: The Newton Police Department has achieved this vital training requirement. As of January 2023, NPD has trained nearly 1/3 of our officers (45 officers) in Crisis Intervention Training through the Norfolk County CIT Training & Technical Assistant Program conducted in partnership with the Massachusetts Department of Mental Health and the National Alliance on Mental Illness (Massachusetts). This 40-hour Crisis Intervention Training course is consistent with the Memphis Model. In addition to CIT, the department has trained all officers in the mental health first aid equivalent, Integrating Communications, Assessment, & Tactics (ICAT) de-escalation techniques, the ABLE Project – Active Bystander in Law Enforcement duty to intervene, and is currently training on our TI simulator to perform scenario based de-escalation training.

NPD CIT Training Components:

50+ Officers Trained in CIT - The CIT Training & Technical Assistance Program includes, but not limited to the following topics:

- Mood Disorders
- Working with Emergency Services
- Psychosis
- Hearing voices exercises

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- Substance Use Disorder
- Learn to Cope Resources
- Behavioral Health in Children & Teens
- Case Studies & Response
- Hoarding – Clutter
- Elder Mental Health
- Veterans
- Trauma
- Working with ER – Section 12 & Section 35 Commitments
- Autism
- Cultural Considerations
- Resource Centers
- CCIT
- Mental Health & Criminal Justice System & Diversion
- De-escalation Exercises
- Officer Wellness

TI Simulator

The NPD TI Simulator is now an effective training tool to train our officers through simulated exercises thereby honing their skills to assist them in dealing with critical situations.

Leadership

- Leadership is crucial to the effectiveness of the Newton Police Department.
- First line supervisors are most influential personnel within organization.
- FBI – LEEDA (Trilogy – Supervisor, Command and Executive) training.
- FBI Command College (5) Members of Command Staff
- FBI National Academy – Capt. Spalding (Quantico 10 weeks)
- Future supervisor, Command and Executive Development.

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- High Performance Leadership Course
- First line supervisors

LEEDA

LEEDA training is a trilogy of leadership trainings and career development for first-line supervisors, command staff and executive level officers.

NPD continues to capitalize on the FBI-Law Enforcement Executive Development Association (LEEDA) program for our supervisory staff in the Department. This valuable training organization is the premier executive law enforcement continuing education provider for police leaders in small to mid-sized departments across the United States and beyond.

One of the core values of the FBI LEEDA program is to instill the values of diversity, inclusion, and equity into all the operations of the Department through sound leadership principles.

Team Building/DEI/Organizational Development

Chief Carmichael continues to work with Gerard Cox, PhD, Consultant of Cox Associates who is providing a comprehensive organizational development program to improve customer service and trust development.

This training is designed to improve relationships and create lasting partnerships through collaboration with the community and will assist NPD in meeting our DEI goals, in areas such as executive coaching, change management, team building, and improving the climate for Diversity, Equity, and Inclusion. Dr. Cox has been conducting one on one sessions with command staff and a diverse group of officers within NPD to gather cultural information and direction for the future.

ALICE – ASHER

Last year several Newton Police Officers completed a training and certification program to be A.L.I.C.E. Instructors. ALICE is an acronym for Alert, Lockdown, Inform Counter, Evacuate, and includes procedures for evacuation, reverse evacuation, lock-out, lock-down and shelter or stay in place. ALICE provides proactive strategies to prepare individuals and organizations on how to react during a critical incident. The ALICE program is designed to empower individual decision-making during tense, uncertain situations to achieve a safe conclusion.

USE OF FORCE TRAINING:

- Analogy of a football team – practice
- We are only as good as we are trained, disciplined, and equipped.

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- We are responsible for giving our officers the best in training, and equipment and giving them the knowledge and tools to perform their difficult tasks.

Use of Force Use of force was common law.

Use of force now statutory (MGL. c. 6E and 550 CMR 6.00)

The purpose of 550 CMR 6.00 is to establish rules governing the use of force by law enforcement officers.

550 CMR 6.00 is promulgated requiring the Peace Officer Standards and Training Commission and the Municipal Police Training Committee to jointly promulgate rules and regulations governing the use of force by law enforcement officers.

Applies to all law enforcement officers in Massachusetts.

6.03: Definitions

6.04: Use of Non-deadly Force

6.05: Use of Deadly Force

6.06: Duty to Intervene **(Commonwealth v. Adams, 416 Mass 558 (1993))**

6.07: Use of Force Reporting

6.08: Mass Demonstrations, Crowd Control, and Reporting

6.09: Investigation When Use of Force Results in a Death or Serious Bodily Injury

6.10: Use of Force Training

6.10: Use of Force Training

(1) The Committee shall develop and periodically deliver use of force training to law enforcement officers consistent with 550 CMR 6.00 including, but not limited to:

(a) de-escalation tactics;

(b) handling emergencies involving individuals with mental illness;

(c) responding to mass gatherings;

(d) cultural competency;

(e) progression of force; and

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(f) lawful use of force techniques and equipment on a schedule to be determined by the Committee.

Less Lethal Force Options:

- 40mm Sponge Round Launcher (Assaultive – distraction – de-escalation) – (Bargained NPSOA)
- Conducted Energy Devices (TASER) – Less Lethal Force Options (Bargained NPSOA)

In-Service Training Topics

- Annual - Internal In-service Training:
 - Defensive Tactics
 - Firearms
 - CPR
 - Breaching – Dynamic Entry (Uvaldi)
 - Legal Update
 - POST
 - Hate Crimes – Extremism Groups
 - **Officer Wellness**
 - Interpersonal Violence
 - Trauma Informed Policing
- Dynamics of Addiction (Substance Use Disorders)
- Alzheimer's & Dementia Intervention
- Use of Force (annual)
- Effective Police Interaction with Youth
- Procedural Justice – Police Legitimacy – Fair & Impartial Policing (I & II)
- Domestic Violence & Sexual Assault (High Risk – DV)
- Critical Incident Response
- Active Shooter Response
- Stress & Officer Wellness – Longevity in Policing
- Violent Extremism Awareness
- Integrations, Communications & Tactics (ICAT – De-escalation Techniques)

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- Police Interactions with Persons w/mental illness
- ASHER – Active Shooter Hostile Event
- ICS – Incident Command Systems
- Animal Investigations
- Non-Bias Based Policing – Racial Profiling
- Dealing with People with Disabilities