

Greenfield City Council
July 20, 2022
231st Regular Meeting
6:30 p.m.
Hybrid (Joint In-Person/Zoom Attendance)

To join in person:

John Zon Community Center, 35 Pleasant Street, Greenfield

To join via Zoom:

<https://greenfield-ma-gov.zoom.us/j/97104765151?pwd=VE9KSFRMR1NsdVNZUjMzTzlwZWZWRKZz09>

Meeting ID: 971 0476 5151

To join via phone:

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 971 0476 5151 Passcode: 707246

Find your local number: <https://greenfield-ma-gov.zoom.us/j/97104765151?pwd=VE9KSFRMR1NsdVNZUjMzTzlwZWZWRKZz09>

AGENDA

1. Call to Order

CHAIRS STATEMENT: This meeting is being recorded by the City Council and GCTV-15. If any other persons present are doing the same you must notify the chairperson at this time. In accordance with MGLc 30A SS 20(g) “No person shall address a meeting of a public body without permission of the Chair and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.”

2. Roll Call of Members
3. Pledge of Allegiance (voluntary)
4. Approve the May 16, May 18, May 19, June 15, 2022 minutes. **(Pg. 4)**

5. Communications from Superintendent of Schools and School Committee
6. Communications from Mayor, City Officers and Employees
7. Communications from other City Employees as needed, by invitation
8. Public Comment
9. Public Hearing(s) and Second Reading(s): **(Pg. 55)**
 - Appropriate \$175,000 from Fund 8400 General Stabilization for Independent Assessment/Audit of the City of Greenfield's Police Department's Structure, Policies and Practices.
10. Motions, Orders, and Resolutions
 - I. Approve Payment of \$10,814 FY2020 Invoice for Siemens Inc from FY22 Energy Department Budget. **(Pg. 56)**
 - II. Appropriate \$175,000 from Fund 8400 General Stabilization for Independent Assessment/Audit of the City of Greenfield's Police Department's Structure, Policies and Practices. **(Pg. 59)**
 - III. 1) Declare surplus property and 2) Authorize the sale of City owned land located on a Portion of Parcel 124-53, Summer Street. **(Pg. 234)**
 - IV. Amend Zoning Section 200-6.7, Signs. **(Pg. 243)**
 - V. Amend Zoning Section 200-4.2: Rural Residential District (RC) Section (C): Uses by Special Permit & Section 200-7.17: Marijuana Establishments Section (B)(4): Applicability. **(Pg. 253)**
 - VI. Amend Zoning Section 200-7.3 (New Section): Temporary Moratorium on Outdoor Marijuana Cultivation Facilities **(pg. 256)**
 - VII. Mayor's Appointments – Community Preservation Committee, David Chichester; Planning & Construction, Mike Pratt; Planning Board (Full Member), David Chichester; Sustainable Greenfield Implementation Committee, Greta Shwachman. **(Pg. 269)**
 - VIII. Council authorization of police officers for 2022 Elections. **(Pg. 276)**
 - IX. Warrant for State Primary Election for September 6, 2022. **(Pg. 299)**
11. Presentation of Petitions and Similar Papers
12. Report of Committees
13. Unfinished Business
14. Old Business
15. New Business
16. Motions for Reconsideration

17. Adjournment

EXECUTIVE SESSION MAY BE CALLED

**Please note that the list of topics was comprehensive at the time of posting, however, the public body may consider and take action on unforeseen matters not specifically named in this notice. Posted in accordance with M.G.L.c 30A § 18-25.*

GREENFIELD CITY COUNCIL

Special Meeting Minutes

May 16, 2022

City Hall Meeting Room 2nd Floor and Zoom/Hybrid

6:30 pm

CALL TO ORDER: Meeting was called to order at 6:01 p.m. by Acting Chair Vice President Daniel Guin.

CHAIRS STATEMENT: This meeting is not being recorded by the City Council. If any other persons present are doing the same you must notify the chairperson at this time. Clerk Scott stated that the City Council would be recording this meeting for preparation of minutes. It was noted that Mary Byrne of the Recorder, Dawn Morin, Councilor Virginia Desorgher and GCTV were also recording this meeting. "No person shall address a meeting of a public body without permission of the Chair and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting."

ROLL CALL OF MEMBERS: Roll Call was taken. Councilor Bottomley was absent. Councilor Jarvis logged into the meeting at 6:10 pm.

ALSO PRESENT: Mayor Roxann Wedegartner; City Clerk Kathryn J. Scott; GCTV-15 staff; Mary Byrne, *the Recorder*; and members of the public.

MOTION: On a motion by Councilor Terounzo, second by Councilor Ricketts, it was

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS, TO ALLOW THE AGENDA ITEMS TO BE TAKEN OUT OF ORDER.

DISCUSSION: Objection was made to waive the rules of procedure due to the fact that it would not allow public comment.

It was by majority, 10 yes, 2 no,

VOTED: TO WAIVE THE RULES OF PROCEDURE.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 22-145

MOTION: On a motion by Councilor Bullock, second by Councilor Helie, it was,

MOVED: THAT THE GREENFIELD CITY COUNCIL VOTES TO ENTER TO EXECUTIVE SESSION FOR REASON #3: TO DISCUSS STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING OR LITIGATION IF AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE BARGAINING OR LITIGATING POSITION OF THE PUBLIC BODY AND THE CHAIR SO DECLARES; PER M.G.L. C. 30A § 21 (A)(3).

DISCUSSION: Councilors provide rationale towards their opposition or support of the motion. Councilor Desorgher read a prepared statement (see attached).

MOTION: On a motion by Councilor Gilmour, second by Councilor Ricketts, it was by roll call, 8 yes, 4 no,

VOTED: TO CALL THE QUESTION.

Order no. FY22-145 was on the floor for a vote.

It was by roll call, 8 yes, 4 no,

VOTED: TO ENTER TO EXECUTIVE SESSION FOR REASON #3: TO DISCUSS STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING OR LITIGATION IF AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE BARGAINING OR LITIGATING POSITION OF THE PUBLIC BODY AND THE CHAIR SO DECLARES; PER M.G.L. C. 30A § 21 (A)(3).

Acting Chair/Vice President Guin made announcement that the special meeting would not reconvene after the closing of the executive session.

The Councilors exited from the meeting and into executive session at 6:37 P.M.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

City Hall Meeting Room, 2nd Floor/Zoom Hybrid
Special Meeting
May 16, 2022

	Attendance	Call the Question	FY22-145 Executive Session			
1. Jarvis, Edward	Y	Y	Y			
2. Guin, Daniel	Y	Y	Y			
3. Desorgher, Virginia	Y	N	N			
4. Bottomley, John	N	---	---			
5. Bullock, Marianne	Y	N	N			
6. Gilmour, Sheila	Y	Y	Y			
7. Lapienski, Jasper	Y	N	N			
8. Mayo, Douglas	Y	N	N			
9. Helie, Derek	Y	Y	Y			
10. Elmer, Philip	Y	Y	Y			
11. Forgey, Christine	Y	Y	Y			
12. Ricketts, Penny	Y	Y	Y			
13. Terounzo, Michael	Y	Y	Y			

8 y 8 y
4 no 4 no

I'll Be voting

Against Going into executive session tonight.

I spent over 12 hours reading that entire docket. Every submission by both plaintiff and defendant . The jury found the city and the Chief guilty on 6 of the 7 questions.

If you have not read the court record and you think that you will be hearing both sides of the story in executive session, you are mistaken. The attorney and the mayor and the chief are the losing defendants and will lobby to convince you that the jury was incorrect.

Questions 6 and 7 are why we really should not enter executive session. The fact that the Chief and our current mayor bypassed a female officer and Patrick Buchanan for the 4th time, in 2021, **WHILE** final arguments for this discrimination case were being prepared is **SHOCKING**. The female officer and Buchanan were number two and number five on the sergeants list. The chief chose number #1, 3, 4 and 6. Mayor Wedegartner concurred. This decision was subsequently added to the plaintiffs claims and most likely clinched the verdict and added to the settlement.

EQUALLY SHOCKING, it was announced in December 2021, that the start date of the trial would be at the beginning of the new year. Then on January 5, 2022 our mayor signed a three-year contract with the chief for \$170,000 a year. NOT a one year contract but a three-year contract just as the trial was about to start! Who does this?

I do not need to be in executive session with them explaining strategy to me or hearing how they will best handle our legal and fiduciary responsibilities.

I read enough!

You have lots of people outside who are not happy with how this has been handled. Is there even the tiniest shred of evidence that the culture here will change by us going into a private meeting **AFTER** which we will be bound to silence. If you sincerely want to be part of the solution, just say no. I'll bet money most of you know in your gut that this meeting is a very bad idea. I certainly didn't want it but I was pressured. Let's admit it, who in their right mind really wants to be viewed as being uncooperative with the Mayor and the Chief of police. Mark my words, we will be complicit from this day forward.

We don't have the national labor relations board to back us up. All we really have is each other.

I am voting no. It's time for a change. Not in our town.

GREENFIELD CITY COUNCIL

Regular Meeting Minutes

May 18, 2022

City Hall Meeting Room 2nd Floor and Zoom/Hybrid

6:30 pm

CALL TO ORDER: Meeting was called to order at 6:31 p.m. by Acting Chair Vice President Daniel Guin.

CHAIRS STATEMENT: This meeting is being recorded by the City Council and GCTV-15. If any other persons present are doing the same you must notify the chairperson at this time. It was noted that Mary Byrne from the Recorder was also recording. **[In accordance with MGLc 30A SS 20(g)] “No person shall address a meeting of a public body without permission of the Chair and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.”**

ROLL CALL OF MEMBERS: Roll Call was taken. President Gilmour and Councilor Mayo appeared via Zoom; all other Councilors appeared in person.

ALSO PRESENT: Mayor Roxann Wedegartner; City Clerk Kathryn J. Scott; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Chief of Staff Danielle Letourneau; IT Director Fernando Fleury; Deputy Chief of Police William Gordon; Fire Chief Robert Strahan; DPW Director Marlo Warner; Community Development Director M J Adams; Health Department Director Jennifer Hoffman; GCTV-15 staff; Mary Byrne, *the Recorder*; and members of the public.

The Pledge of Allegiance was held.

ACCEPTANCE OF MINUTES: On a motion by Councilor Ricketts, second by Councilor Jarvis, it was unanimously,

VOTED: TO ACCEPT THE CITY COUNCIL MINUTES OF APRIL 20, 2022.

COMMUNICATIONS:

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Superintendent DeBarge and Chair Proietti submitted a written monthly report to Council in lieu of appearing at meeting (see attached)

MAYOR, CITY OFFICERS AND EMPLOYEES: Mayor Wedegartner reported the following:

- Health Department Director Jennifer Hoffman re-established PCR (Polymerase Chain Reaction) testing at Greenfield Community College.
- Dredging of the Leyden Glen reservoir would begin shortly.
- Presented a brief summary of the FY2023 Operating Budget the Councilors would be voting on at tonight's meeting.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: None

PUBLIC COMMENT: The following members of the public spoke:

- Michelle DeLisio, Garfield St., spoke to her opposition to the proposed marijuana cultivation facility on County Club Road.

- Sara Hannon, Country Club Rd., prepared a written statement as read by Michelle DeLisio which expressed her opposition to the proposed marijuana cultivation facility on Country Club Road.
- Susan Worgaftik, Forest Ave., commented on the current court case involving a former Greenfield police officer and to address issues concerning the Greenfield Police Department.
- David Schirm, Barton Rd., spoke in opposition to the proposed marijuana cultivation facility on Country Club Road.
- Laura Jordan, Elm Terrace, urged Councilors to repair the sidewalk on Columbus Avenue for the benefit of seniors and other individuals who have mobility issues and risk injury using the sidewalk in its current condition.
- Carisa Clifford, Mohawk Trail, spoke to her concerns with proposed plans that could affect individual property rights.
- Richard Pelc, Country Club Road, spoke to his opposition to the proposed marijuana cultivation facility on Country Club Road.
- David Cohen, Green River Rd., spoke to past instances involving legal issues involving the Greenfield Police Department.
- Kim Babineau, Country Club Rd., spoke to her opposition to the proposed marijuana cultivation facility on Country Club Road, which would affect the water usage on the City.
- Robin Tibbetts, Country Club Rd., spoke to her opposition to the proposed marijuana cultivation facility on Country Club Road.
- Al Collins, Country Club Rd., spoke to his opposition to the proposed marijuana cultivation facility on Country Club Road and urged Councilors to reinstate the tier one limitation zoning bylaw.
- Diane Killeen, Country Club Rd., spoke to her opposition to the proposed marijuana cultivation facility on Country Club Road.
- William Johnston, Verde Dr., spoke to his opposition to the proposed marijuana cultivation facility on Country Club Road.
- Brian Hoffman, Barton Rd., spoke to his opposition to the proposed marijuana cultivation facility on Country Club Road.
- Barbara Morris, Country Club Rd., read a prepared statement from Sandy Kosterman, Barton Rd., who was unable to be at the meeting. She was opposing the proposed marijuana cultivation facility on Country Club Road.
- Dorothy McIver, Columbus Ave., spoke to the current court case involving a former Greenfield police officer.
- Rachel Gordon, Eastern Ave., spoke to the current court case involving a former Greenfield police officer and urged the Councilors to reduce the proposed FY23 police budget.
- Armene' Margosian, Petty Plane Rd., spoke to her experience with the noise levels produced from the Green River Festival last year and her dealings with the festival's coordinator, Jim Olsen, as well as the Mayor's office.
- Nancy McIver, Plantation Cir., spoke to her support for a moratorium on marijuana cultivation facilities.
- Jon Magee, Green St., spoke to his concerns of the Greenfield Police Department and the image of racism that had been displayed by some police officers. He encouraged Councilors to reduce the FY23 budget for the Police Department.
- Wendy Goodman, Green River Rd., spoke to her dismay with the Chief of Police of Greenfield and the proposed decision by the Mayor to appeal the court decision.
- Marianna Ritchey, Beech St., urged the Councilors to reduce the FY23 budget for the Police Department.

- Benjamin Miner, Chapman St., spoke to the current court case involving a former Greenfield police officer and the proposed decision by the Mayor to appeal the court decision. He urged the Councilors to reduce the FY23 budget for the Police Department.
- Pamela Goodwin, High St., spoke to her dismay with the direction the City government in Greenfield has taken with the current issues the City was involved in.
- Molly Merrett, Solar Way, urged the Councilors to reduce the FY23 budget for the Police Department.
- Doug Selwyn, Forest Ave., spoke to his dismay that two mayors for the City of Greenfield have not properly addressed the police department's history of racism and requested the Councilors reduce the FY23 budget for the Police Department.
- Ella Condon, Beech St., urged the Councilors to reduce the FY23 budget for the Police Department.
- Mireille Bejjani, Peabody Ln., supports the reduction of the FY23 budget for the Police Department.
- Kasey Richards, Smead Hill Rd., spoke to her opposition to the proposed marijuana cultivation facility on Country Club Road.
- Annie Hassett, Leonard St., spoke to the many issues facing the United States and how we can better ourselves and our community.
- Teegrey Iannuzzi, Baker Rd., Shutesbury, spoke in support of a former Greenfield police officer and the recent court case that was decided in his favor. She spoke of the sad history of racism in our Country and especially in the culture of policing.
- Julia Peters, Mountain St., Williamsburg, spoke to the affects from the production of greenhouse gases from waste and its effects on climate change. She is inquiring if the City of Greenfield would like to provide a letter of interest to learn more about sustainability of reusable energy through waste.

PUBLIC HEARINGS: Councilor Forgey read the public hearing notice:

PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., May 18, 2022, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St., to receive public input on the following:

- Increase the FY22 Ambulance Revolving Spending Limit.
- Appropriate \$50,000 from Free Cash to Compensated Absences Fund 8450.
- FY2023 Operating Budget
 - Appropriate \$58,329,672 for FY2023 General Fund Budget
 - Appropriate \$100,000 from Fund 8406 – OPEB Stabilization – to reduce FY2023 General Fund Operating Budget Raise and Amount from \$58,029,672 to \$57,929,672.
 - Establish Spending Limit on Revolving Funds not to exceed \$680,557
 - Appropriate \$1,666,258 FY2023 Water Enterprise Fund
 - Appropriate \$2,565,093 FY2023 Sewer Enterprise Fund
 - Appropriate \$2,042,234 FY2023 GCET Enterprise Fund

The City Council may consider the same on Wed., May 18, 2022, at 6:30 p.m. at John Zon Community Center, 35 Pleasant St. Materials can be obtained from the City Clerk's Office, 14 Court Sq. from 8:30 a.m.- 5:00 p.m., Mon. - Fri. or phone 413-772-1555, x. 6163.

Sheila Gilmour, Greenfield City Council President

Acting Chair Vice President Guin opened public hearing at 8:13 pm.

Councilor Forgey read the second reading:

City Council – Second Reading- May 18, 2022

- Increase the FY22 Ambulance Revolving Spending Limit.

- Appropriate \$50,000 from Free Cash to Compensated Absences Fund 8450.
- FY2023 Operating Budget
 - Appropriate \$58,329,672 for FY2023 General Fund Budget
 - Appropriate \$100,000 from Fund 8406 – OPEB Stabilization – to reduce FY2023 General Fund Operating Budget Raise and Amount from \$58,029,672 to \$57,929,672.
 - Establish Spending Limit on Revolving Funds not to exceed \$680,557
 - Appropriate \$1,666,258 FY2023 Water Enterprise Fund
 - Appropriate \$2,565,093 FY2023 Sewer Enterprise Fund
 - Appropriate \$2,042,234 FY2023 GCET Enterprise Fund

Acting Chair Vice President Guin asked if anyone from the public would like to speak. Seeing none, he closed the public hearing at 8:15 pm.

A 5 minute recess called by the Chair at 8:16 pm.

The meeting reconvened at 8:26 pm.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 22-140

MOTION: On a motion by Councilor Bottomley, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THAT THE CITY COUNCIL RECONSIDERS THE FOLLOWING MOTION DEFEATED BY THE CITY COUNCIL ON APRIL 20, 2022:

Order no. FY 22-103

MOTION: On a motion by Councilor Terounzo, second by Councilor Forgey, it was by majority, 7 yes, 3 no, 1 abstention, (9 positive votes required to pass),

DEFEATED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$60,000 BE APPROPRIATED FOR THE MILL AND OVERLAY PAVING PHASE I OF LEGION AVENUE PARKING LOT AND TO MEET SAID APPROPRIATION TRANSFER \$60,000 FROM FUND 8402 CAPITAL STABILIZATION.

DISCUSSION: Councilor Bottomley explained documentation regarding this issue was not provided to the Council at the time of the vote and the Councilors later received additional backup in reference to this request. However, most Councilors agree the document they received did little to persuade them to vote in favor of this issue.

It was by roll call, 10 yes, 3 no,

VOTED: TO APPROVE ORDER NO. FY 22-140.

Order no. FY22-103 was on the floor for consideration: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$60,000 BE APPROPRIATED FOR THE MILL AND OVERLAY PAVING PHASE I OF LEGION AVENUE PARKING LOT AND TO MEET SAID APPROPRIATION TRANSFER \$60,000 FROM FUND 8402 CAPITAL STABILIZATION.

DISCUSSION: DPW Director Marlo Warner noted some of the work on the parking lot had begun in 2019, when “Phase I” of the project was initiated and the funds came out of the DPW’s operating budget. Chief of Staff Letourneau spoke to the possibility of legal action by the owner of the portion of the parking lot used by the City if the conditions of the lease were not met.

MOTION: On a motion by Councilor Jarvis, second by Councilor Ricketts, it was unanimously,

VOTED: TO CALL THE QUESTION.

It was by roll call, 1 yes, 10 no, 1 abstention,
DEFEATED: TO APPROVE ORDER NO. FY 22-103.

Order no. FY 22-146

MOTION: On a motion by Councilor Bullock, second by Councilor Forgey, it was unanimously,
VOTED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE GREENFIELD BOARD OF HEALTH, AND IN ACCORDANCE WITH MGL CH.252, SECTION 2A(B)(2), OPTS THE CITY OF GREENFIELD OUT OF THE STATE RECLAMATION AND MOSQUITO CONTROL BOARD (SRMCB).

Order no. FY 22-130

MOTION: On a motion by Councilor Terounzo, second by Councilor Ricketts, it was,
MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$58,329,672 , WHICH IN THE FULL AMOUNT NECESSARY FOR THE FISCAL YEAR 2023 GENERAL FUND BUDGET (JULY 1, 2022 TO JUNE 30, 2023), BE APPROPRIATED FOR THE PURPOSES STATED. TO MEET SAID APPROPRIATION, \$250,000 WILL BE TRANSFERRED FROM THE PARKING METER RECEIPTS RESERVED AND \$50,000 FROM FREE CASH; \$ 58,029,672 WILL BE RAISED AND APPROPRIATED.

Legislative FY2023 Budget \$89,207 - Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. The Council voted unanimously to approve as presented.

Executive FY2023 Budget \$434,651 - Councilor Forgey reported the Ways & Means Committee forwarded a majority negative recommendation of 1 yes, 4 no on the Mayor Salary & Wages Line Item.

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was,
MOVED: TO AMEND THE MAYOR SALARY & WAGES LINE ITEM BY \$3,098.00, REDUCING THE TOTAL FROM \$229,925 TO \$226,827.

After clarification was presented, President Gilmour withdrew her motion to amend and Councilor Mayo withdrew his second.

MOTION: On a motion by Councilor Lapienski, second by Councilor Mayo, it was,
MOVED: TO AMEND THE MAYOR SALARY & WAGES LINE ITEM BY \$23,157, REDUCING THE TOTAL FROM \$229,925 TO \$206,768.

MOTION: On a motion by Councilor Bullock, second by Councilor Elmer, it was,
MOVED: TO AMEND THE MAYOR SALARY & WAGES LINE ITEM BY \$3,098, REDUCING THE TOTAL FROM \$229,925 TO \$226,827.

It was by roll call, 11 yes, 2 no,
VOTED: TO AMEND THE MAYOR SALARY & WAGES LINE BY \$3,098.

Motion made by Councilor Lapienski was now on the floor, as amended: TO AMEND THE MAYOR SALARY & WAGES LINE ITEM BY ~~\$23,157~~ **\$3,098**, REDUCING THE TOTAL FROM \$229,925 TO ~~\$206,768~~ **\$226,827**.

It was by roll call, 11 yes, 1 no, 1 abstention,
VOTED: TO REDUCE MAYOR SALARY & WAGES LINE ITEM BY \$3,098.

MOTION: On a motion by Councilor Disorgher, second by Councilor Jarvis, it was,

MOVED: TO AMEND THE MAYOR EXPENDITURES LINE ITEM BY \$8,000, REDUCING THE TOTAL FROM \$27,827 TO \$19,827.

It was by majority,

VOTED: TO REDUCE MAYOR EXPENDITURES LINE ITEM BY \$8,000.

MOTION: On a motion by Councilor Forgey, second by Councilor Jarvis, it was unanimously,

VOTED: TO APPROVE THE EXECUTIVE ADMINISTRATION SALARY & WAGES LINE ITEM \$81,456.

MOTION: On a motion by Councilor Desorgher, second by Councilor Lapienski, it was by roll call, 4 yes, 9 no,

DEFEATED: TO AMEND THE ECONOMIC DEVELOPMENT & MARKETING SALARY & WAGES LINE ITEM BY \$14,650, REDUCING THE TOTAL FROM \$70,593 TO \$55,943.

Total Executive FY2023 Budget reduced to \$423,553.

Reserve Fund \$75,000 – Councilor Forgey reported the Ways & Means Committee forwarded a majority negative recommendation; 2 yes, 2 no, 1 abstention.

MOTION: On a motion by Councilor Desorgher, second by Councilor Lapienski, it was,

MOVED: TO AMEND THE RESERVE FUND LINE ITEM BY \$75,000, REDUCING THE TOTAL FROM \$75,000 TO 0.

DISCUSSION: Clarification was made as to the use and purpose of these funds.

It was by majority, 4 yes, 9 no,

DEFEATED: TO REDUCE THE RESERVE FUND LINE ITEM TO 0.

Accounting FY2023 Budget \$415,642 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Independent Town (City) Audit FY2023 Budget \$60,000 – Councilor Forgey reported the Ways & Means Committee forwarded a majority positive recommendation, 4 yes, 1 no.

Assessors FY2023 Budget \$218,319 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Treasurer/Collector FY2023 Budget \$260,892 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Tax Title FY2023 Budget \$67,500 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Legal FY2023 Budget \$195,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Human Resources FY2023 Budget \$250,446 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Greenfield Technology Department FY2023 Budget \$622,118 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Town (City) Clerk FY2023 Budget \$166,350 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Elections FY2023 Budget \$29,660 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Board of Registrars FY2023 Budget \$17,500 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Licensing Commission FY2023 Budget \$39,623 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Conservation Commission FY2023 Budget \$600 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Planning Board FY2023 Budget \$600 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Zoning Board of Appeals FY2023 Budget \$600 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Planning & Community Development FY2023 Budget \$115,352 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

A 3 minutes recess was called by the Chair at 10:45pm.
The meeting reconvened at 10:49pm.

Central Services FY2023 Budget \$309,307 – Ways & Means forwarded a unanimous positive recommendation.

Central Maintenance FY2023 Budget \$556,856 – Ways & Means forwarded a unanimous positive recommendation.

Energy Department FY2023 Budget \$938,535 – Councilor Forgey forwarded a unanimous positive recommendation.

MOTION: On a motion by Councilor Terounzo, second by Councilor Lapienski, it was,
MOVED: TO ADJOURN TO A TIME CERTAIN OF MAY 19, 2022, AT 6:30 PM, AT THE JOHN ZON TO CONTINUE FROM THIS POINT WHERE WE ARE AT RIGHT NOW.

DISCUSSION: Councilors were concerned of the short time frame in which they received notice of a possibility to this meeting being continued to the next day and could disrupt their planned schedules.

MOTION: On a motion by Councilor Lapienski, second by Councilor Mayo, it was by roll call, 12 yes, 1 no,
VOTED: TO CALL THE QUESTION.

Motion to Continue Meeting to May 19, 2022, at 6:30pm, was now on the floor for a vote.

It was by roll call, 8 yes, 3 no, 2 abstention,

VOTED: TO CONTINUE THE MEETING TO MAY 19, 2022, 6:30 PM.

Councilors adjourned at 11:00pm, and will reconvene Thursday, May 19, 2022, 6:30 pm, at John Zon Community Center.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center/Zoom (Hybrid)
Regular Meeting
May 18, 2022

	Attendance	FY22-140 Reconsider	FY22-103	Bullock - Reduce Mayor Salary \$3,098	Lapienski's amended	Desorgher - Reduce EDM Salary \$14,650	Call Question Continue	Continue meeting to May 19th
14. Jarvis, Edward	Y	Y	Abs	N	N	N	Y	N
15. Guin, Daniel	Y	Y	----	Y	Y	N	N	Abs
16. Desorgher, Virginia	Y	Y	N	Y	Y	Y	Y	Y
17. Bottomley, John	Y	N	N	Y	Y	Y	Y	Y
18. Bullock, Marianne	Y	Y	N	Y	Y	N	Y	Y
19. Gilmour, Sheila	Y	Y	N	Y	Y	N	Y	Abs
20. Lapienski, Jasper	Y	N	N	N	Y	Y	Y	Y
21. Mayo, Douglas	Y	N	N	Y	Y	Y	Y	Y
22. Helie, Derek	Y	Y	N	Y	Y	N	Y	N
23. Elmer, Philip	Y	Y	N	Y	Y	N	Y	Y
24. Forgey, Christine	Y	Y	N	Y	Abs	N	Y	Y
25. Ricketts, Penny	Y	Y	N	Y	Y	N	Y	N
26. Terounzo, Michael	Y	Y	Y	Y	Y	N	Y	Y
		10 y 3 n	1 y 11 n 1 abs	11 y 2 n	11 y 1 n 1 ab	4 yes 9 no	12 y 1 no	8 yes 3 no 2 abs



GREENFIELD PUBLIC SCHOOLS

195 Federal Street STE 100, Greenfield, MA 01301

"Every Child's Success is Our Mission"

Ph: 413-772-1326 / Fax: 413-772-1379

Christine DeBarge Ed. D, Superintendent of Schools

To: Greenfield City Council

From: Dr. DeBarge and Chair Proietti

Date: May 18, 2022

RE: District Monthly Report

- **Film Fest/Arts Night:** The Greenfield Schools' Film Fest and Arts Night will return on May 20th at 6 pm. More information can be found on the district's website.
- **Senior Class Trip:** The seniors will travel to High Meadows in Granby, CT for the day on May 31.
- **NESDEC Study:** The NESDEC Best Use of Educational Facilities study has begun. Building and district level administrators are completing documents for the NESDEC staff and virtual tours of the buildings are complete. Christine, Karin Patenaude, and Eric Hevy visited the buildings with NESDEC representatives to review some of the spaces in person. This included all currently used schools and Green River. They are still on schedule to present their findings and options for the School Committee's consideration at the June meeting. We are also planning community and staff opportunities for input regarding the findings and options.
- **COVID:** There is an increase in COVID cases, not just in the Greenfield Public Schools but also in the community, the Commonwealth and the Northeast. The week of May 2 we saw our first pocket of significant, school-based spread. Christine has been collaborating with Meg Tudryn and Jennifer Hoffman from the Greenfield Health Department, as well as with the Department of Elementary and Secondary Education regarding recommendations and next steps. We have communicated the need for mask wearing in classrooms where all staff and students were identified as close contacts. We will have windows open to increase ventilation, we continue to have separate desks for students who prefer to work in individual work space and also have desks for cafeteria for students who prefer not to eat at round tables with peers. We have a significant number of staff and students who elect to wear masks daily or at times when they have been exposed outside of school. Everyone is welcome to continue to wear masks and we continue to have them available throughout the schools. The Greenfield Schools also continue to pool

The Greenfield Public Schools is an Equal Opportunity Employer and does not discriminate on the basis of age, sex, marital status, race, color, creed, sexual orientation, gender identity, national origin, disability, ancestry, genetic information or military service. The Greenfield Public Schools maintain a commitment to ensuring that the school community is free from discrimination in education and employment.



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test and do symptomatic testing. We will continue to follow recommendations as this school year progresses.

- **Staffing Update:** The second round of interviews is being scheduled for principal of Newton School. We are grateful to Karin Patenaude for facilitating the first round of interviews, and for the staff and parents who gave their time to participate in this process. We also are beginning the interview process for Director of Technology. Karin Patenaude, Mike Svinis and Fernando Fleury will join Christine for the interviews. The goal is to have someone appointed prior to July 1. Michael Browning has accepted the offer for the permanent principal at Discovery School. We are very pleased to have him officially onboard in that capacity. We continue to struggle with staffing all of our open positions across all buildings and positions. This struggle is not unique to Greenfield and Superintendents regularly share staffing challenges across the region. We have advertised in a variety of resources, engaged in a DESE sponsored "blast" of positions earlier in the year, and made phone calls to prior applicants. In an effort to hopefully increase our applicant pool, we are posting all known or anticipated positions for the School Year 2022-2023. Our desire is to fill as many positions early in the summer as possible.
- **Fair Share Amendment Resolution:** At the May 11 meeting, the School Committee passed a Resolution in Support of the Fair Share Amendment. The Fair Share Amendment, if passed statewide in November, will create an additional tax of four percentage points on annual income above one million dollars and dedicate the funds raised by this tax to quality public education, affordable public colleges and universities, and for repair and maintenance of roads, bridges, and public transportation.

Sincerely,

Christine DeBarge, Ed. D
Superintendent

Amy Proietti
School Committee Chair

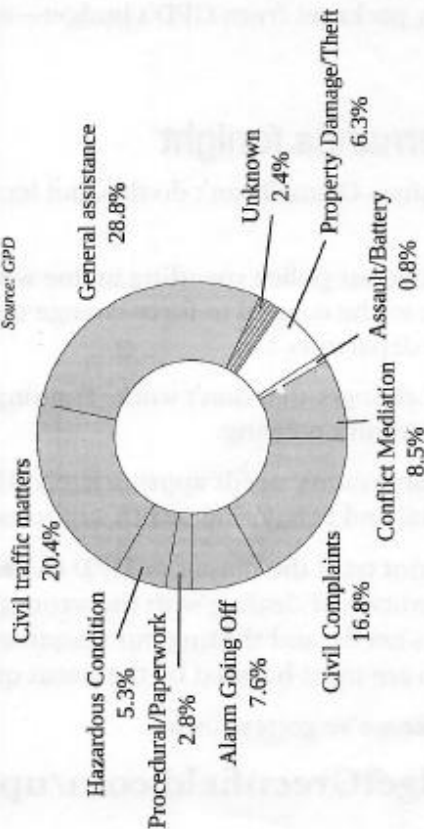
The Greenfield Public Schools is an Equal Opportunity Employer and does not discriminate on the basis of age, sex, marital status, race, color, creed, sexual orientation, gender identity, national origin, disability, ancestry, genetic information or military service. The Greenfield Public Schools maintain a commitment to ensuring that the school community is free from discrimination in education and employment.

How do the police spend their time?

GPD Press Logs by Call Type*

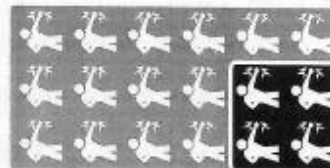
April 2019 - June 2020

*Note: Data reflect call content and do not indicate criminal charges filed. Our categories here reflect content of the log entries we reviewed, not just categories used by GPD.
Source: GPD



Injuries From Officers' Use of Force in 2020

18 total reports of injuries



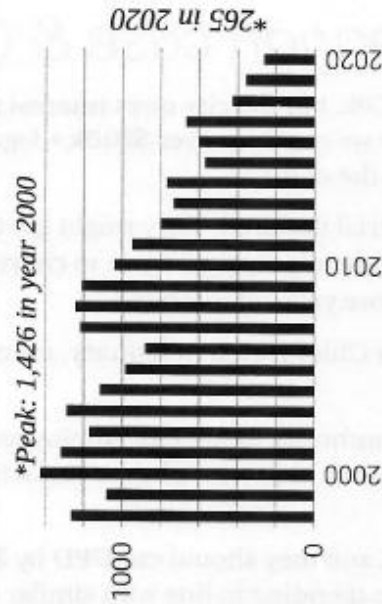
14 happened on calls about mental health or substance use

AT LEAST 14 injuries that wouldn't have happened if we had civilian mobile crisis response

Total annual arrests by GPD

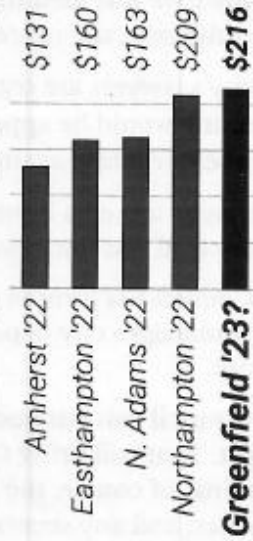
1998 - 2020

Source: MA Crime Statistics



How do the police spend our money?

Police dept. spending per capita



\$160 per capita = \$1 million off of the Mayor's 2023 GPD budget

PeoplesBudgetGreenfield.com/crisis-response

5/18 Updates on Buchanan case & GPD

- The court awarded Patrick Buchanan \$450k, but the city owes **interest from the date the case was filed in 2017**. Currently we owe him over **\$700k + legal fees**. The longer the case, the more we owe him in the end.
- The city's lawyers are trying to get a mistrial declared. They might get that, but that ruling would be appealed—meaning the case will go again to court, and Greenfield will lose again & owe a few more years of interest.
- The mayor signed a **3-year contract with Chief Haigh in January**, even though the jury trial was underway.
- City Council has limited powers and no authority to fire city employees. The Mayor manages city departments, so we have to pressure her to make the changes we want.
- **City Council can cut budget allocations**, and they should **cut GPD by \$1 million tonight**. That will bring Greenfield police spending in line with similar towns—excluding, of course, the hundreds of thousands our insurance will pay to Buchanan and any severance deals the Mayor might cut. But firing McCarthy and Haigh will cut two of the biggest salary packages from GPD's budget—together over \$300k.

Suggested talking points and demands tonight

- Get rid of Chief Haigh and Lt. McCarthy—Council can't do this, but let them know we want them gone.
- Cut the GPD budget by \$1 million. Bring our police spending in line with similar towns, and use the only lever available to the council to force change on an anti-democratic mayor and corrupt police department.
- Don't spend our money on superficial changes that don't work: Training. Co-responder/ride-along clinicians. Community policing.
- Spend our money on addressing community needs appropriately: Housing. Public health & harm reduction. Mental and behavioral health supports.
- **Nothing about us without us.** We cannot trust the mayor or GPD to deal with their issues. Start a thorough, public process of dealing with the wrongdoing at GPD, acknowledging our community's needs, and shifting our resources where they belong. Prioritize the people who are most harmed by the status quo.
- We will not let this rest until we feel like we've gotten justice.

Follow along & join up: PeoplesBudgetGreenfield.com/updates

GREENFIELD CITY COUNCIL
Regular Meeting Minutes
May 19, 2022 (Continued from May 18, 2022)

John Zon Community Center, 35 Pleasant Street/Zoom Hybrid

6:30 pm

CALL TO ORDER: Meeting was called to order at 6:33 p.m. by Acting Chair Vice President Dan Guin.

CHAIRS STATEMENT: This meeting is being recorded by the City Council and GCTV-15. If any other persons present are doing the same you must notify the chairperson at this time. In accordance with MGLc 30A SS 20(g) “No person shall address a meeting of a public body without permission of the Chair and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.”

ROLL CALL OF MEMBERS: Roll Call was taken. President Gilmour and Councilor Mayo appeared via Zoom; all other Councilors appeared in person.

ALSO PRESENT: City Clerk Kathryn J. Scott; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Chief of Staff Danielle Letourneau; Deputy Chief of Police William Gordon; Fire Chief Robert Strahan; DPW Director Marlo Warner; Parliamentarian Wil Roberts; GCTV-15 staff and members of the public.

MOTIONS, ORDERS, AND RESOLUTIONS

Councilors continued discussion on the FY2023 Operating Budget Order no. FY22-130: THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$58,329,672 , WHICH IN THE FULL AMOUNT NECESSARY FOR THE FISCAL YEAR 2023 GENERAL FUND BUDGET (JULY 1, 2022 TO JUNE 30, 2023), BE APPROPRIATED FOR THE PURPOSES STATED. TO MEET SAID APPROPRIATION, \$250,000 WILL BE TRANSFERRED FROM THE PARKING METER RECEIPTS RESERVED AND \$50,000 FROM FREE CASH; \$ 58,029,672 WILL BE RAISED AND APPROPRIATED.

Police Department FY2023 Budget \$3,839,101 – Councilor Forgey reported the Ways & Means forwarded a majority positive recommendation, 4 yes, 1 no.

DISCUSSION: Councilor Bottomley read a prepared statement highlighting the amount of the police operating budget in comparison with other cities and towns. He also expressed concern in which citizens had spoken of their fear and mistrust of the police even before the outcome of the discrimination lawsuit against the Chief of Police.

MOTION: On a motion by Councilor Bottomley, second by Councilor Mayo, it was,

MOVED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$1,200,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$2,339,163; AND TO AMEND THE POLICE EXPENDITURES LINE ITEM BY \$100,000, REDUCING THE TOTAL FROM \$299,938 TO \$199,938.

After learning that the amendments to individual line items must be made separately, Councilor Bottomley withdrew his motion, Councilor Mayo withdrew his second.

MOTION: On a motion by Councilor Bottomley, second by Councilor Mayo, it was,
MOVED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$1,200,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$2,339,163.

DISCUSSION: Rationale was presented on how the proposed amount reduction was calculated. Other comments included:

- Number of officers who would be laid off if the reduction was accepted by the Council.
- The officers who were involved in the current discrimination civil case should not be collecting a salary while on administrative leave.
- The Mayor had the authority to terminate any contracts made between the City of Greenfield and high ranking officers.
- It was not in the Councilors' purview to transfer, add, or use appropriated funds for other departments, projects, or programs without a request from the Mayor.

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was,
MOVED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$350,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$3,189,163.

DISCUSSION: Explanation on how a reduction in funds to the salary & wages line item for the Police Department would affect negotiated union contracts. Other comments included:

- The Public Safety Commission had not released a public statement addressing the issues facing the police department at this time.
- Laying the responsibility solely on the City Council to deal with this issue through budget cuts and other monetary restrictions would not solve the current state of policing in Greenfield.
- Councilors relay their positive and negative experiences conversing with the Greenfield Police Department.

MOTION: On a motion by Councilor Lapienski, no second, it has,
FAILED FOR LACK OF A SECOND: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$2,000,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$1,539,163.

The amendment submitted by Councilor Forgey was still on the floor: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$350,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$3,189,163.

DISCUSSION: Determination was made that anywhere from 8 to 25 officers would be at risk for layoffs or demotions according to the proposed reduction amendments. Other comments included:

- It was not in the Councilors' purview to fire or layoff any police officers or other City employees.
- Compared to other surrounding cities with similar size and population, the City of Greenfield spends more on public safety than on schools.
- Correspondence to Officer Todd Dodge from Mayor Wedegartner was read into the record (see attached).

It was by roll call, 7 yes, 6 no,

VOTED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$350,000.

Motion made by Councilor Bottomley was now on the floor, as amended: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY ~~\$1,200,000~~ **\$350,000**, REDUCING THE TOTAL FROM \$3,539,163 TO ~~\$2,339,163~~ **\$3,189,163**.

MOTION: On a motion by Councilor Bullock, second by Councilor Lapienski, it was,
MOVED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$477,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$3,062,163.

DISCUSSION: Rationale was presented on how the proposed amount reduction was calculated. Other comments included:

- A new Chief of Police hired by the Mayor could receive a negotiated contract providing a salary lower than what the Police Chief currently received.
- Some of the Councilors did not believe the proposed amended amount was enough of a reduction.

MOTION: On a motion by Councilor Mayo, second by Councilor Lapienski, it was,
MOVED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$650,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$2,889,163.

DISCUSSION: Councilors continue discussion regarding an amount in which to reduce the budget for police salaries. It was pointed out regardless of how much the budget was reduced, the ones who would be most affected in the Police Department were newly hired officers.

MOTION: On a motion by Councilor Jarvis, second by Councilor Elmer, it was unanimously,
VOTED: TO CALL THE QUESTION.

Councilor Mayo's amendment to reduce Police salary & wages line item by \$650,000 was now on the floor for a vote.

It was by roll call, 4 yes, 8 no, (Councilor Ricketts had left the rail),
DEFEATED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$650,000.

Councilor Bullock's amendment was now on the floor: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$477,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$3,062,163.

A 5 minute recess called by the Chair at 8:47pm.
The meeting reconvened at 8:53pm.

Councilor Ricketts returned to the rail at 8:53pm.

It was by roll call, 6 yes, 7 no,
DEFEATED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$477,000.

Motion made by Councilor Bottomley was now on the floor, as amended: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY ~~\$1,200,000~~ **\$350,000**, REDUCING THE TOTAL FROM \$3,539,163 TO ~~\$2,339,163~~ **\$3,189,163**.

MOTION: On a motion by Councilor Gilmour, second by Councilor Lapienski, it was,
MOVED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$500,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$3,039,163.

DISCUSSION: Councilors were disappointed a compromise had yet to be reached.

MOTION: On a motion by Councilor Helie, second by Councilor Terounzo, it was,
MOVED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$400,000, REDUCING THE TOTAL FROM \$3,539,163 TO \$3,139,163.

MOTION: On a motion by Councilor Jarvis, second by Councilor Lapienski, it was unanimously,
VOTED: TO CALL THE QUESTION.

It was by roll call, 9 yes, 4 no,

VOTED: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY \$400,000.

Motion made by Councilor Bottomley was now on the floor, as amended: TO AMEND THE POLICE SALARY & WAGES LINE ITEM BY ~~\$1,200,000~~ **\$400,000**, REDUCING THE TOTAL FROM \$3,539,163 TO ~~\$2,339,163~~ **\$3,139,163**.

It was by roll call, 7 yes, 6 no,

VOTED: TO REDUCE THE SALARY & WAGES LINE ITEM BY \$400,000, TOTAL REDUCED FROM \$3,539,163 TO \$3,139,163.

Councilor Ricketts left the rail at 9:03 pm.

Acting Chair Vice President Guin opened discussion on the Police Department Expenditures Line \$299,938.

DISCUSSION: It was pointed out that if the reduction in the police salary & wages line item did result in the reduction of police staff, the expenditures would most likely be reduced. However, it was noted that some requested expenditures were higher than surrounding municipalities. Other comments included:

- Certain expenditures were negotiated under contracts, including clothing allowances.
- Savings in fuel costs if patrol cars were not left idle.
- Steep increase in clothing allowance in the past two years.
- Percentage of expenses that would decrease if the Police Department had to lay off officers.

MOTION: On a motion by Councilor Lapienski, second by Councilor Mayo, it was,

MOVED: TO AMEND THE POLICE EXPENDITURES LINE ITEM BY \$75,000, REDUCING THE TOTAL FROM \$299,938 TO \$224,938.

DISCUSSION: The Council voted to reduce the police salary & wages by about 10% to 11%; therefore, it would not seem logical to reduce the police expenditures line by 25%. Other comments included:

- Parts of the expenditures were fixed costs regardless of the number of employees.
- It was noted that funds in the expenditures line item could be designated for other expenditures if needed.

MOTION: On a motion by Councilor Desorgher, second by Councilor Gilmour, it was by roll call, 12 yes, 0 no,

VOTED: TO AMEND THE POLICE EXPENDITURES LINE ITEM BY \$24,938, REDUCING THE TOTAL FROM \$299,938 TO \$275,000.

Motion made by Councilor Lapienski was now on the floor, as amended: TO AMEND THE POLICE EXPENDITURES LINE ITEM BY ~~\$75,000~~ **\$24,938**, REDUCING THE TOTAL FROM \$299,938 TO ~~\$224,938~~ **\$275,000**.

It was by roll call, 11 yes, 1 no,

VOTED: TO REDUCE THE EXPENDITURES LINE ITEM BY \$24,938, REDUCING THE TOTAL FROM \$299,938 TO \$275,000.

Parking Enforcement FY2023 Budget \$143,752 – Councilor Forgey reported the Ways & Means Committee forwarded a majority positive recommendation, 4 yes, 1 no.

Dispatch Center FY2023 Budget \$727,141 – Councilor Forgey reported the Ways & Means Committee forwarded a split recommendation, 2 yes, 2 no, 1 abstention.

MOTION: On a motion by Councilor Desorgher, second by Councilor Lapienski, it was,
MOVED: TO AMEND DISPATCH SALARY & WAGES LINE ITEM BY \$126,966, REDUCING THE TOTAL FROM \$721,641 TO \$594,675.

DISCUSSION: Other surrounding municipalities with similar or a higher population from Greenfield had smaller salary & wages budgets for dispatch. Other comments included:

- Greenfield had lost 70% of their dispatchers due to low wages being offered compared to other cities/towns. The increase was for the purpose of providing competitive wages to encourage more hires in dispatch.
- Rationale was provided by the Acting Chief as to the setup of staff and their responsibilities in the dispatch center. He also explained that other municipalities have lower salary and wages due to the fact that they do not handle all of the emergency calls as they are redirecting to other dispatch centers in other municipalities.
- Most Councilors agree that dispatch was an integral part of public safety and reducing their salaries and wages could jeopardize hiring qualified and dedicated staff.

After hearing from the Acting Chief and other Councilors, Councilor Desorgher withdrew her motion and Councilor Lapienski withdrew his second.

Fire FY2023 Budget \$2,916,920 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Building Inspector FY2023 Budget \$228,455 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

DISCUSSION: Most Councilors voiced concern that the Building Inspections dept had been underfunded and as a result, had been understaffed.

Plumbing & Wire Inspections FY2023 Budget \$98,367 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Sealer of Weights & Measurers FY2023 Budget \$10,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Animal Inspector FY2023 Budget \$3,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

A 5 minute recess called by the Chair at 10:07 am.
The meeting reconvened at 10:13 am.

Emergency Management FY2023 Budget \$21,500 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Animal Control Office FY2023 Budget \$29,509 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Public Safety FY2023 Budget, as amended - \$7,592,807.

Greenfield Public Schools FY2023 Budget \$20,981,080 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Franklin Tech FY2023 Budget \$1,283,883 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Smith Vocational FY2023 Budget \$20,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Education FY2023 Budget - \$22,284,963.

Public Works FY2023 Operating Budget \$2,338,560 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Public Works Snow & Ice Removal FY2023 Budget \$217,800 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Public Works FY2023 Budget - \$2,556,360.

Other DPW Street Cleaning FY2023 Budget \$37,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Other DPW Trash Disposal Fees FY2023 Budget \$395,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Other DPW Cemeteries FY2023 Budget \$7,556 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Other DPW FY2023 Budget - \$439,556.

Health Inspection Service FY2023 Budget \$244,600 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Council on Aging FY2023 Budget \$161,754 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Veterans' Services FY2023 Budget \$530,110 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Mayor's Task Force Against Domestic Violence FY2023 Budget \$800 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Human Rights Commission FY2023 Budget \$300 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Disability Access Commission FY2023 Budget \$300 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Youth Commission FY2023 Budget \$1,500 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Human Services FY2023 Budget - \$939,364.

Library FY2023 Budget \$735,107 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Recreation FY2023 Budget \$206,728 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Historical Commission FY2023 Budget \$1,100 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Culture & Recreation FY2023 Budget - \$942,935.

Debt Service Bonded Debt Principal FY2023 Budget \$1,545,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Debt Service Bonded Debt Interest FY2023 Budget \$901,354 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Debt Service Bond Short Term Interest FY2023 Budget \$50,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Debt Service FY2023 Budget - \$2,496,354.

FRCOG Core Assessments FY2023 Budget \$90,530 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Contributory Retirement FY2023 Budget \$5,566,762 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Councilors Jarvis and Forgey abstained from voting due to the fact they benefit from this line item.

Worker's Compensation FY2023 Budget \$395,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Unemployment Compensation FY2023 Budget \$120,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Employees' Health Insurance FY2023 Budget \$8,372,520 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Councilors Jarvis and Forgey abstained from voting due to the fact they benefit from this line item.

Employees' Life Insurance FY2023 Budget \$124,000 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Councilors Jarvis abstained from voting due to the fact he benefits from this line item.

Medicare Match FY2023 Budget \$489,600 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Liability Insurances FY2023 Budget \$630,225 – Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

Total Miscellaneous FY2023 Budget - \$15,788,637 (Councilors Jarvis and Forgey abstained).

Order no. FY22-130 was on the floor, as amended: THE SUM OF ~~\$58,329,672~~ **\$57,893,636**, WHICH IN THE FULL AMOUNT NECESSARY FOR THE FISCAL YEAR 2023 GENERAL FUND BUDGET (JULY 1, 2022 TO JUNE 30, 2023), BE APPROPRIATED FOR THE PURPOSES STATED. TO MEET SAID APPROPRIATION, \$250,000 WILL BE TRANSFERRED FROM THE PARKING METER RECEIPTS RESERVED AND \$50,000 FROM FREE CASH; ~~\$58,029,672~~ **\$57,593,636** WILL BE RAISED AND APPROPRIATED.

It was by roll call, 10 yes, 2 no,

VOTED: TO APPROVE ORDER NO. FY22-130, AS AMENDED.

	FISCAL YEAR 2022 ADOPTED	FISCAL YEAR 2022 AMENDED	FISCAL YEAR 2023 REQUESTED	FISCAL YEAR 2023 MAYOR	Percent Increase (Decrease)
LEGISLATIVE					
TOWN COUNCIL					
SALARY & WAGES EXPENDITURES	64,638	65,894	67,607	67,607	4.59%
TOTAL TOWN COUNCIL	10,900	10,900	22,200	21,600	98.17%
TOTAL LEGISLATIVE	75,538	76,794	89,807	89,207	18.10%
EXECUTIVE					
MAYOR					
SALARY & WAGES EXPENDITURES	218,311	218,311	258,044	224,827	5.32%
TOTAL MAYOR	26,944	26,944	27,827	19,827	3.28%
EXECUTIVE ADMINISTRATION					
SALARY & WAGES EXPENDITURES	79,083	79,387	81,456	81,456	3.00%
TOTAL EXECUT ADMINISTRATION	600	296	600	600	0.00%
ECON. DEVELOP. & MARKET.					
SALARY & WAGES EXPENDITURES	50,176	55,943	123,919	70,593	40.69%
TOTAL ASSIST TO THE MAYOR	23,250	23,250	24,250	24,250	4.30%
TOTAL EXECUTIVE	73,426	79,193	148,169	94,843	29.17%
FINANCIAL ADMINISTRATION	398,364	404,121	516,096	423,553	9.11%
RESERVE FUND	75,000	65,000	75,000	75,000	0.00%
ACCOUNTING					
SALARY & WAGES EXPENDITURES	274,952	290,581	288,626	269,126	-2.12%
TOTAL ACCOUNTING	143,800	143,800	146,516	146,516	1.89%
INDEPENDENT TOWN AUDIT	418,752	434,381	435,142	415,642	-0.74%
ASSESSORS	60,000	60,000	60,000	60,000	0.00%
SALARY & WAGES EXPENDITURES	96,659	96,659	133,129	133,129	37.73%
TOTAL ASSESSORS	112,190	112,190	85,190	85,190	-24.07%
TREASURER/COLLECTOR	208,849	208,849	218,319	218,319	4.53%
SALARY & WAGES EXPENDITURES	170,825	177,124	183,132	183,132	7.20%
TOTAL TREASURER/COLL	52,360	52,360	77,760	77,760	48.51%
TAX TITLE	223,185	229,484	260,892	260,892	16.85%
TOTAL FIN ADMIN	67,500	67,500	67,500	67,500	0.00%
	1,053,286	1,065,214	1,116,853	1,097,353	4.18%

	FISCAL YEAR 2022 ADOPTED	FISCAL YEAR 2022 AMENDED	FISCAL YEAR 2023 REQUESTED	FISCAL YEAR 2023 MAYOR	Percent Increase (Decrease)
OPERATIONS SUPPORT					
LEGAL					
LABOR LEGAL SVCS	95,000	95,000	95,000	95,000	0.00%
TOWN ATTY SVCS	100,000	100,000	100,000	100,000	0.00%
TOTAL LEGAL	195,000	195,000	195,000	195,000	0.00%
HUMAN RESOURCES OFFICE					
SALARY & WAGES	218,144	218,144	228,559	228,559	4.77%
EXPENDITURES	23,401	23,401	21,887	21,887	-6.47%
TOTAL HUMAN RESOURCES	241,545	241,545	250,446	250,446	3.69%
GREENFIELD TECHNOLOGY DEPT					
SALARY & WAGES	274,813	278,802	295,053	252,053	-8.28%
EXPENDITURES	359,450	359,450	368,565	370,065	2.95%
TOTAL GREENFIELD TECHNOLOGY	634,263	638,252	663,618	622,118	-1.91%
TOTAL OP SUPP	1,070,808	1,074,797	1,109,064	1,067,564	-0.30%
LICENSING & REGISTRATION					
TOWN CLERK					
SALARY & WAGES	137,692	139,809	159,943	152,175	10.52%
EXPENDITURES	18,275	18,275	15,075	14,175	-22.44%
TOTAL TOWN CLERK	155,967	158,084	175,018	166,350	6.66%
ELECTIONS					
SALARY & WAGES	33,545	33,545	22,300	22,300	-33.52%
EXPENDITURES	16,450	16,450	7,360	7,360	-55.26%
TOTAL ELECTIONS	49,995	49,995	29,660	29,660	-40.67%
BOARD OF REGISTRARS					
SALARY & WAGES	3,500	3,500	3,500	3,500	0.00%
EXPENDITURES	10,850	10,850	18,000	14,000	29.03%
TOTAL BOARD OF REGISTRARS	14,350	14,350	21,500	17,500	21.95%
LICENSING COMMISSION					
SALARY & WAGES	35,542	37,992	38,673	38,673	8.81%
EXPENDITURES	950	950	950	950	0.00%
TOTAL LICENSING COMMISSION	36,492	38,942	39,623	39,623	8.58%
TOTAL LIC & REG	256,804	261,371	265,801	253,133	-1.43%
LAND USE & DEVELOPMENT					
CONSERVATION COMM	600	600	600	600	0.00%
PLANNING BOARD	600	600	600	600	0.00%
ZONING BOARD OF APPEALS	600	600	600	600	0.00%
PLANNING & COMM. DEVELOPMENT					
SALARY & WAGES	94,455	94,455	127,690	104,752	10.90%
EXPENDITURES	17,600	17,600	10,600	10,600	-39.77%
TOTAL PLAN. & COMM. DEVELOP.	112,055	112,055	138,290	115,352	2.94%
TOTAL LAND USE & DEV	113,855	113,855	140,090	117,152	2.90%

	FISCAL YEAR 2022 ADOPTED	FISCAL YEAR 2022 AMENDED	FISCAL YEAR 2023 REQUESTED	FISCAL YEAR 2023 MAYOR	Percent Increase (Decrease)
OTHER GENERAL GOVT					
CENTRAL SERVICES					
SALARY & WAGES EXPENDITURES	65,320	65,320	70,487	70,487	7.91%
TOTAL CENTRAL SERVICES	221,276	221,276	238,820	238,820	7.93%
	286,596	286,596	309,307	309,307	7.92%
CENTRAL MAINT					
SALARY & WAGES EXPENDITURES	409,539	442,957	430,544	430,544	5.13%
TOTAL CENTRAL MAINTENANCE	111,313	111,313	126,312	126,312	13.47%
	520,852	554,270	556,856	556,856	6.91%
ENERGY DEPT					
SALARY & WAGES EXPENDITURES	96,019	96,290	100,185	100,185	4.34%
TOTAL ENERGY	709,750	707,479	867,350	838,350	18.45%
	803,769	803,769	967,535	938,535	16.97%
TOTAL OTHER GENERAL GOVT	1,611,217	1,644,635	1,833,698	1,804,698	12.01%
PUBLIC SAFETY					
POLICE					
SALARY & WAGES EXPENDITURES	3,326,601	3,412,489	3,669,163	3,139,143	6.39%
TOTAL POLICE	339,938	339,938	349,938	275,000	-11.77%
	3,666,539	3,752,427	4,019,101	3,414,143	4.71%
PARKING ENFORCEMENT					
SALARY & WAGES EXPENDITURES	67,752	68,723	67,752	67,752	0.00%
	76,000	76,000	76,000	76,000	0.00%
	143,752	144,723	143,752	143,752	0.00%
DISPATCH CENTER					
SALARY & WAGES EXPENDITURES	594,675	594,675	721,641	721,641	21.35%
TOTAL DISPATCH CENTER	3,000	3,000	5,500	5,500	83.33%
	597,675	597,675	727,141	727,141	21.66%
FIRE					
SALARY & WAGES EXPENDITURES	2,310,957	2,535,901	2,710,369	2,680,520	15.99%
TOTAL FIRE	223,855	223,855	252,700	236,400	5.60%
	2,534,812	2,759,756	2,963,069	2,916,920	15.07%
BUILDING INSPECTOR					
SALARY & WAGES EXPENDITURES	166,622	171,970	220,155	220,155	32.13%
TOTAL BUILDING INSPECTOR	7,500	7,500	8,300	8,300	10.67%
	174,122	179,470	228,455	228,455	31.20%
PLUMBING & WIRE INSPECTIONS	96,450	96,450	98,367	98,367	1.99%
SEALER OF WGHTS & MSRS	10,000	10,000	10,000	10,000	0.00%
ANIMAL INSPECTOR	3,000	3,000	3,000	3,000	0.00%

	FISCAL YEAR 2022 ADOPTED	FISCAL YEAR 2022 AMENDED	FISCAL YEAR 2023 REQUESTED	FISCAL YEAR 2023 MAYOR	Percent Increase (Decrease)
EMERGENCY MANAGEMENT					
SALARY & WAGES	5,500	5,500	5,500	5,500	0.00%
EXPENDITURES	13,985	13,985	18,000	16,000	14.41%
TOTAL CIVIL DEFENSE	19,485	19,485	23,500	21,500	10.34%
ANIMAL CONTROL OFFICE					
SALARY & WAGES	25,494	28,549	27,909	27,909	9.47%
EXPENDITURES	1,418	1,418	1,600	1,600	12.83%
TOTAL ANIMAL CONTROL	26,912	29,967	29,509	29,509	9.65%
TOTAL PUBLIC SAFETY	7,272,747	7,592,953	8,245,894	8,017,245	10.24%
EDUCATION				7,592,807	
GREENFIELD PUBLIC SCHOOLS	19,731,080	19,731,080	21,255,213	20,981,080	6.34%
FRANKLIN TECH	1,328,809	1,328,809	1,283,880	1,283,883	-3.38%
SMITH VOCATIONAL	36,800	36,800	20,000	20,000	-45.65%
TOTAL REGIONAL SCHOOLS	1,365,609	1,365,609	1,303,880	1,303,883	-4.52%
TOTAL EDUCATION	21,096,689	21,096,689	22,559,093	22,284,963	5.63%
PUBLIC WORKS					
OPERATING BUDGET					
SALARY & WAGES	1,579,805	1,657,897	1,771,501	1,736,501	9.93%
EXPENDITURES	588,639	598,639	602,059	602,059	2.28%
TOTAL OPERATING BUDGET	2,168,444	2,256,536	2,373,560	2,338,560	7.86%
460 SNOW & ICE REMOVAL					
SALARY & WAGES	76,000	76,000	73,000	73,000	-3.93%
EXPENDITURES	141,800	141,800	144,800	144,800	2.12%
TOTAL SNOW REMOVAL	217,800	217,800	217,800	217,800	0.00%
TOTAL PUBLIC WORKS	2,386,044	2,474,336	2,591,360	2,556,360	7.14%
OTHER D. P. W. RELATED EXPENSES					
467 STREET CLEANING	34,650	34,650	37,000	37,000	6.78%
470 TRASH DISPOSAL FEES	429,000	429,000	395,000	395,000	-7.93%
491 CEMETERIES					
SALARY & WAGES	7,556	7,556	7,556	7,556	0.00%
EXPENDITURES	7,556	7,556	7,556	7,556	0.00%
TOTAL CEMETERIES	7,556	7,556	7,556	7,556	0.00%
TOTAL OTHER D. P. W.	471,206	471,206	439,556	439,556	-6.72%

	FISCAL YEAR 2022 ADOPTED	FISCAL YEAR 2022 AMENDED	FISCAL YEAR 2023 REQUESTED	FISCAL YEAR 2023 MAYOR	Percent Increase (Decrease)
HUMAN SERVICES					
HEALTH INSPECTION SERVICE					
SALARY & WAGES	193,435	195,630	221,400	221,400	14.34%
EXPENDITURES	15,848	15,848	23,200	23,200	46.39%
TOTAL HEALTH INSPECTION SERVICE	209,283	211,478	244,600	244,600	15.76%
COUNCIL ON AGING					
SALARY & WAGES	135,320	141,176	207,704	207,704	16.43%
EXPENDITURES	4,050	4,950	4,050	4,050	0.00%
TOTAL COUNCIL ON AGING	139,370	146,126	211,754	211,754	16.14%
VETERAN'S SERVICES					
SALARY & WAGES	224,866	228,624	238,777	238,777	6.19%
EXPENDITURES	360,500	360,500	291,333	291,333	-3.05%
TOTAL VETERAN'S SVCS	585,366	589,124	530,110	530,110	-8.90%
DOMESTIC VIOLENCE PREV	800	800	800	800	0.00%
HUMAN RIGHTS COMM	300	300	300	300	0.00%
DISABILITY ACCESS COMM	300	300	300	300	0.00%
YOUTH COMMISSION	1,500	1,500	1,500	1,500	0.00%
TOTAL HUMAN SERVICES	877,819	888,728	989,364	989,364	7.11%
CULTURE & RECREATION					
LIBRARY					
SALARY & WAGES	558,963	577,400	620,123	608,107	8.79%
EXPENDITURES	120,750	120,750	127,000	127,000	5.15%
TOTAL LIBRARY	679,713	698,150	747,123	735,107	8.13%
RECREATION					
SALARY & WAGES	193,954	200,735	271,093	266,728	6.59%
EXPENDITURES					
TOTAL RECREATION	193,954	200,735	271,093	266,728	6.59%
HISTORICAL COMMISSION	1,100	1,100	1,100	1,100	0.00%
TOTAL CULTURE & REC	874,767	899,985	1,019,316	942,935	7.75%
DEBT SERVICE					
BONDED DEBT PRINCIPAL	1,355,500	1,355,500	1,545,000	1,545,000	13.98%
BONDED DEBT INTEREST	486,085	486,085	901,354	901,354	85.43%
SHORT TERM INTEREST	50,000	50,000	50,000	50,000	0.00%
TOTAL DEBT SERVICE	1,891,585	1,891,585	2,496,354	2,496,354	32.38%
MISCELLANEOUS					
PROG CORE ASSESSMENTS	92,554	92,554	90,530	90,530	-2.19%
CONTRIBUTORY RETIREMENT	5,370,837	5,370,837	5,568,762	5,568,762	3.63%
WORKER'S COMPENSATION	387,046	387,046	378,000	395,000	2.05%
UNEMPLOYMENT COMP	120,000	120,000	120,000	120,000	0.00%
EMPLOYEES' HEALTH INS	8,048,000	8,038,000	8,446,140	8,373,520	4.16%
EMPLOYEES' LIFE INS	116,790	116,790	124,800	124,000	6.17%
MEDICARE MATCH	480,000	480,000	489,800	489,990	2.06%
LIABILITY INSURANCES	538,164	538,164	630,225	630,225	17.11%
TOTAL MISCELLANEOUS	15,042,591	15,042,591	15,845,257	15,788,637	-4.96%
TOTAL OPERATING	54,472,538	54,978,809	59,257,803	59,328,672	7.08%

57,893,434

Order no. FY 22-131

MOTION: On a motion by Councilor Desorgher, second by Councilor Mayo, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$100,000 BE TRANSFERRED FROM FUND 8406 - OPEB STABILIZATION, TO REDUCE THE FISCAL YEAR 2023 GENERAL FUND OPERATING BUDGET RAISE AND AMOUNT FROM ~~\$58,029,672~~ **\$57,593,636** TO ~~\$57,929,672~~ **\$57,493,636**, AS AMENDED.

DISCUSSION: The order was read to reflect the reduction voted by the Council on the FY2023 Operating Budget.

It was by roll call, 12 yes, 0 no,

VOTED: TO APPROVE ORDER NO. FY 22-131.

Order no. FY 22-132

MOTION: On a motion by Councilor Desorgher, second by Councilor Forgey, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, AUTHORIZE THE FOLLOWING REVOLVING FUNDS SPENDING LIMITS IN ACCORDANCE WITH M.G.L. CHAPTER 44, SECTION 53 E-1/2 FOR THE FISCAL YEAR 2023. RECEIPTS RECEIVED BUT NOT EXPENDED IN FISCAL YEAR 2023 SHALL BE CARRIED OVER TO FISCAL YEAR 2024 UNLESS OTHERWISE INDICATED IN THE ATTACHED. NO FURTHER APPROPRIATION SHALL BE MADE IN EXCESS OF THE BALANCE OF THE FUND NOR SHALL TOTAL EXPENDITURES FOR THE FISCAL YEAR EXCEED THE ANNUAL SPENDING LIMIT AS NOTED. THE AGGREGATE AMOUNT OF ALL REVOLVING FUNDS SPENDING LIMITS IS NOT TO EXCEED \$680,557.

DISCUSSION: Councilor Desorgher reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-132.

Order no. FY 22-133

MOTION: On a motion by Councilor Desorgher, second by Councilor Forgey, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$1,666,258 BE APPROPRIATED FOR THE FY23 WATER ENTERPRISE FUND AND THAT \$435,889 BE INCLUDED IN APPROPRIATION FROM THE GENERAL FUND FOR WATER ENTERPRISE INDIRECT COSTS TO BE ALLOCATED TO THE WATER ENTERPRISE FUND FOR FUNDING AND THAT \$1,666,258 BE RAISED FROM WATER USER RATE RECEIPTS FOR THE FISCAL YEAR STARTING JULY 1, 2022 AND ENDING JUNE 30, 2023.

DISCUSSION: Councilor Desorgher reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-133.

Order no. FY 22-134

MOTION: On a motion by Councilor Desorgher, second by Councilor Forgey, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$2,565,093 BE APPROPRIATED FOR THE FY23 SEWER ENTERPRISE FUND AND THAT \$444,189 BE INCLUDED IN APPROPRIATION FROM THE GENERAL FUND FOR SEWER INDIRECT COSTS TO BE ALLOCATED TO THE SEWER ENTERPRISE FUND FOR FUNDING AND THAT \$2,565,093 BE RAISED FROM SEWER USER RATE RECEIPTS FOR THE FISCAL YEAR STARTING JULY 1, 2022 AND ENDING JUNE 30, 2023.

DISCUSSION: Councilor Desorgher reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-134.

Order no. FY 22-135

MOTION: On a motion by Councilor Desorgher, second by Councilor Forgey, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, THE SUM OF \$2,042,234 BE APPROPRIATED FOR THE FY23 GCET ENTERPRISE FUND AND THE AMOUNT TO BE RAISED FROM GCET USER RATE RECEIPTS FOR THE FISCAL YEAR STARTING JULY 1, 2022 AND ENDING JUNE 30, 2023.

DISCUSSION: Councilor Desorgher reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-135.

Order no. FY 22-127

MOTION: On a motion by Councilor Desorgher, second by Councilor Forgey, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, AUTHORIZES INCREASING FUND 1585 AMBULANCE SERVICES REVOLVING TO A REVISED SPENDING LIMIT OF \$210,000 FOR THE FISCAL YEAR 2022 FOR AMBULANCE EXPENSES AND IN ACCORDANCE WITH M.G.L. CHAPTER 44, SECTION 53 E-1/2.

RECEIPTS RECEIVED BUT NOT EXPENDED IN FISCAL YEAR 2022 SHALL BE CARRIED OVER TO FISCAL YEAR 2023.

NO FURTHER APPROPRIATION SHALL BE MADE IN EXCESS OF THE BALANCE OF THE FUND NOR SHALL TOTAL EXPENDITURES FOR THE FISCAL YEAR EXCEED THE ANNUAL SPENDING LIMIT OF \$210,000.

DISCUSSION: Councilor Desorgher reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-127.

Order no. FY 22-128

MOTION: On a motion by Councilor Desorgher, second by Councilor Forgey, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER, APPROPRIATE THE SUM OF \$50,000 FROM FREE CASH TO THE COMPENSATED ABSENCES FUND 8450.

DISCUSSION: Councilor Desorgher reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-128.

Order no. FY 22-147

MOTION: On a motion by Councilor Bullock, second by Councilor Elmer, it was,

MOVED: THAT THE GREENFIELD CITY COUNCIL RESCIND THE FOLLOWING ORDER VOTED DURING THE REGULAR MEETING HELD ON DECEMBER 15, 2021:

Order no. FY 22-055

On December 15, 2021, the Greenfield City Council, on a motion by Councilor Guin, second by Councilor Elmer, it was by roll call, 13 yes, 0 no,

VOTED: THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 6-12 (A): COUNCIL ON AGING, BE AMENDED BY REDUCING THE NUMBER OF MEMBERS FROM 15 TO 11, AS FOLLOWS:

SECTION 6-18: COUNCIL ON AGING

(a) There shall be a Council on Aging consisting of not less than three (3) nor more than ~~fifteen (15)~~ **eleven (11)** members, appointed by the Mayor for staggered three-year terms.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

DISCUSSION: A scrivener's error was made in regards to the Charter Section for the Council on Aging. The charter section was identified as 6-12(A) and should have been 6-18 (a).

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-147.

Order no. FY 22-148

MOTION: On a motion by Councilor Bullock, second by Councilor Jarvis, it was unanimously,

VOTED: THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 6-18 (A): COUNCIL ON AGING, BE AMENDED BY REDUCING THE NUMBER OF MEMBERS FROM 15 TO 11, AS FOLLOWS:

SECTION 6-18: COUNCIL ON AGING

(a) There shall be a Council on Aging consisting of not less than three (3) nor more than ~~fifteen (15)~~ **eleven (11)** members, appointed by the Mayor for staggered three-year terms.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

Order no. FY 22-143

MOTION: On a motion by Councilor Bullock, second by Councilor Jarvis, it was,

MOVED: THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING RE-APPOINTMENTS BY THE MAYOR:

Mark Maloni; Community Preservation Committee (Planning Board appointee); Term Expires June 30, 2025

Wisty Rorabacher; Community Preservation Committee (Council appointee); Term Expires June 30, 2025

Mark Maloney; Zoning Board of Appeals; Term Expires December 31, 2025

Debra Gilkes; Zoning Board of Appeals; Term Expires December 31, 2025

DISCUSSION: Vice President Guin reported the Appointments & Ordinances Committee did not forward a recommendation to the full Council due to the fact the meeting was cancelled to accommodate the special council meeting called by the Mayor.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-143.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS - None.

REPORTS OF COMMITTEES – None.

UNFINISHED BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS: Councilor Desorgher held the following first reading:

City Council – First Reading- May 18, 2022

- Approve Payment of \$10,814 FY2020 Invoice for Siemens Inc from FY22 Energy Department Budget.

Councilor Bullock read the following Notice of Zoning Amendment Proposals:

The City Council,

Moved that it be ordered,

THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, SECTION 200-6.7: SIGN REGULATIONS, AS INDICATED BY ATTACHED EXHIBIT A, WITH STRIKETHROUGH TEXT TO BE DELETED AND BOLD TEXT TO BE ADDED:

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Councilor Forgey made the Councilors aware that the Planning Board held their meeting this evening regarding the proposed marijuana cultivation facility and her hope was to have these zoning amendments move forward.

President Gilmour requested that the letter read by Councilor Desorgher in regards to Officer Todd Dodge be addressed at Committee Chairs and discuss how the Council could respond to this issue.

MOTION: On a motion by Councilor Lapienski, second by Councilor Mayo, it was,

MOVED: THAT IT BE RESOLVED THE CITY COUNCIL FINDS FULL AND APPROPRIATE REASON TO DELCARE THAT POLICE CHIEF ROBERT HAIGH HAS LOST THE CONFIDENCE OF THE CITIZENS OF GREENFIELD; AND FINDS FURTHER REASON TO DECLARE THAT MAYOR ROXANNE WEDEGARTNER, DUE TO HER PUBLIC SUPPORT OF CHIEF HAIGH, HAS SIMILARLY LOST THE CONFIDENCE OF THE CITIZENS OF GREENFIELD.

THE CITY COUNCIL THEREFORE CALLS ON THE MAYOR TO RECTIFY THIS CRISIS OF CONFIDENCE EITHER BY FIRING CHIEF HAIGH IMMEDIATELY OR BY RESIGNING FROM OFFICE.

DISCUSSION: President Gilmour noted that in accordance with the City Charter, if a certain number of Councilors object to voting on a measure that had been presented at a meeting, the issue could be forwarded to the next City Council meeting for discussion and vote. She also stated that she would address this resolution at the next Committee Chairs meeting. Other comments included:

- This matter should be handled as an emergency for Council consideration and be discussed tonight rather than at a later time.
- It was noted that due to the late hour this issue would be better served to have Councilors address at another time.
- Request was made to schedule a special meeting within the week to address this issue sooner rather than later.
- Councilor Mayo noted that he withdrew his second. No other second was offered.
- This matter will be addressed at the next Committee Chairs in June.

Councilor Jarvis, who had submitted his resignation from City Council, stated how it was an honor and privilege to serve on the City Council and wished the Councilors luck in the future.

MOTIONS FOR RECONSIDERATION: None.

ADJOURNMENT: On a motion by Councilor Elmer, second by Councilor Lapienski, it was unanimously,

VOTED: TO ADJOURN THE MEETING AT 11:34 P.M.

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center/Zoom Hybrid
Continuation from May 18th Regular Meeting
May 19, 2022

	Attendance	Amend PD Salary \$350K Forgey	Amend PD Salary 650K Mayo	Amend PD Salary 477K Bullock	Amend PD Salary 400K Helie	Bottomley Motion as amended \$400K	Amend PD Expend \$24,938 Desorgher	Lapienski motion as amended \$275K	FY23 Budget as amended	FY22-131
27. Jarvis, Edward	Y	Y	N	N	Y	N	Y	N	Y	Y
28. Guin, Daniel	Y	Y	N	Y	Y	Y	Y	Y	Y	Y
29. Desorgher, Virginia	Y	N	N	Y	Y	Y	Y	Y	Y	Y
30. Bottomley, John	Y	N	N	Y	N	N	Y	Y	Y	Y
31. Bullock, Marianne	Y	N	Y	Y	N	N	Y	Y	Y	Y
32. Gilmour, Sheila	Y	N	Y	Y	N	N	Y	Y	Y	Y
33. Lapienski, Jasper	Y	N	Y	N	N	N	Y	Y	N	Y
34. Mayo, Douglas	Y	N	Y	Y	Y	N	Y	Y	N	Y
35. Helie, Derek	Y	Y	N	N	Y	Y	Y	Y	Y	Y
36. Elmer, Philip	Y	Y	N	N	Y	Y	Y	Y	Y	Y
37. Forgey, Christine	Y	Y	N	N	Y	Y	Y	Y	Y	Y
38. Ricketts, Penny	Y	Y	---	N	Y	Y	---	----	----	----
39. Terounzo, Michael	Y	Y	N	N	Y	Y	Y	Y	Y	Y
		7 y 6 n	4 y 8 n	6 y 7 n	9 y 4 n	7 y 6 n	12 y 0 n	11 y 1 n	10 y 2 n	12 y 0 n

ROXANN WEDEGARTNER
Mayor



City Hall
14 Court Square
Greenfield, MA 01301
Phone 413-772-1268 • Fax 413-772-1515
mayor@greenfield-ma.gov
www.greenfield-ma.gov

**GREENFIELD, MASSACHUSETTS
OFFICE OF THE MAYOR
NOTICE OF ADMINISTRATIVE LEAVE**

To: Lieutenant Todd Dodge
From: Mayor Roxann Wedegartner
Date: May 6, 2022
Effective: Immediately

The City has initiated an investigation into allegations concerning the performance of your duties and your fitness to perform your duties. The allegations include that you recently made false allegations while under oath concerning Chief Haight's past conduct during testimony at the Hampshire County Superior Court. As a result of these allegations, I am taking the following actions concerning your status.

You are advised that upon service of this notice you are being placed on paid administrative leave. You will remain on paid administrative leave status until I have notified you that the investigation is completed or I have rendered a decision of whether to impose discipline after you have been afforded a hearing on the matters under investigation.

During the time that you are on paid administrative leave you are not authorized to exercise any police powers, nor are you authorized to act in any manner thereof, in the capacity of a police officer. While on paid administrative leave you are not authorized to enter the confines of the Greenfield Police Station unless accompanied by the Officer in Charge. You are restricted from accessing any departmental computer, report, document or file.

Upon receipt of this notice you are to contact the Deputy Police Chief and make arrangements to return your department issued vehicle.

You are also required to be at your home during the normal hours of your assigned shift and to be available for consultation with members of this department who have been assigned to investigate the above referenced allegations. If for any reason you need to leave the confines of your home during the normal hours of your assigned shift you are to contact Deputy Chief Gordon at 413-325-7385 to get permission and leave a telephone number where you can be reached in case the need arises to speak with you about the allegations under investigation. No changes in the above order shall be effective unless approved by me in writing prior to the changes becoming effective.

Mayor Roxann Wedegartner



TREE CITY USA

The City of Greenfield is an Affirmative Action/Equal Opportunity Employer, a designated Green Community and a recipient of the "Leading by Example" Award.



GREENFIELD CITY COUNCIL

Regular Meeting Minutes

June 15, 2022

John Zon Community Center/Zoom (Hybrid)

6:30 pm

CALL TO ORDER: Meeting was called to order at 6:30 p.m. by President Ricketts.

CHAIRS STATEMENT: This meeting is being recorded by the City Council and GCTV-15. If any other persons present are doing the same you must notify the chairperson at this time.

ROLL CALL OF MEMBERS: Roll Call was taken. Vice President Guin was absent. Councilor Bottomley was appearing through Zoom.

ALSO PRESENT: Mayor Roxann Wedegartner; City Clerk Kathryn J. Scott; Finance Director/City Auditor/City Accountant Elizabeth Gilman; Chief of Staff Danielle Letourneau; Acting Chief of Police William Gordon; Fire Chief Robert Strahan; IT Director Fernando Fleury (who attempted to fix the technical difficulties); GCTV-15 staff and members of the public.

The Pledge of Allegiance was held.

Experiencing technical difficulties with Zoom attendees' inability to be heard and to hear anyone from the John Zon Community Center.

MOTION: On a motion by Councilor Terounzo, second by Councilor Mayo, it was,

VOTED: THAT IT BE ORDERED THE GREENFIELD CITY COUNCIL WAIVE THE RULES OF PROCEDURE, 8 ORDER AND DISPOSITION OF BUSINESS, TO ALLOW THE AGENDA ITEMS TO BE TAKEN OUT OF ORDER.

Katherine Golub addressed the Councilors on the recommendation made to appoint her as the Precinct 1 Councilor to replace Edward Jarvis, who had resigned.

MOTION: On a motion by Councilor Bullock, second by Councilor Ricketts, it was by majority, 9 yes, 1 no,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-11, APPROVES THE APPOINTMENT OF KATHERINE GOLUB TO FILL THE PRECINCT 1 CITY COUNCIL SEAT, VACATED BY EDWARD JARVIS, UNTIL DECEMBER 31, 2023.

Clerk Scott administered the oath of office to Katherine Golub as Precinct 1 Councilor and joined the roll.

ACCEPTANCE OF MINUTES – None.

COMMUNICATIONS:

SCHOOL SUPERINTENDENT AND SCHOOL COMMITTEE: Chairperson Amy Proietti from the School Committee submitted a written report for Councilors to review (see attached).

MAYOR, CITY OFFICERS AND EMPLOYEES: Mayor Wedegartner reported the following:

- Supported the proposed zoning change to tier limits on marijuana cultivation sites.
- Supported the proposed appropriation for funding an audit of the Greenfield Police Department.

Councilor Mayo provided commentary to address the Mayor's inaction in regards to the racial discrimination in the Greenfield Police Department and urged the Mayor to fire the two police officials involved and believed the Mayor should resign.

OTHER CITY EMPLOYEES AS NEEDED, BY INVITATION: Human Rights Commission Chairperson Daniel Cantor Yaolwitz addressed the Councilors:

- Presented commentary on the lack of communication between the Mayor, City Council, and other departments to discuss and confront significant issues that affect Greenfield.

Councilors asked the following questions:

- Entity to contact if someone believed their rights had been violated by the Police Department.
- The specific role of the Human Rights Commission.

Councilor Mayo left the rail at 7:58 pm.

PUBLIC COMMENT: The following members of the public spoke:

- Jeff Bengtson, Barton Rd., spoke in opposition to the Councilor's decision to reduce the Police Department's budget at last month's budget meeting.
- Keyedrya Jacobs, 11th St., Turner's Falls, spoke to her support of Police Chief Robert Haigh and his work with FRCOG to discuss the issue of police brutality and racism.
- Tim Farrell, Bernardston Rd., spoke in opposition to the Councilor's decision to reduce the Police Department's budget at last month's budget meeting.
- Christine Tyler, Country Club Rd., spoke in opposition to the proposed marijuana cultivation facility project on Country Club Road.
- Ann Hassett, Leonard St., spoke to a number of issues including the number of signatures needed for a petition; marijuana cultivation; concerns with the water supply and racism.
- Ellen Thompson, Greenfield, spoke to a number of issues including proposed financial appropriations; conservation of water due to low supply and the state of Greenfield's government institution.
- Sean Thomas, Maple St., spoke to a "tax and grab scheme" that could force the taking of someone's home within the City of Greenfield.
- Jon Magee, Green St., spoke in response to Acting Chief Gordon's comments regarding morale and untrustworthy feelings experienced by the Greenfield Police Department.
- Benjamin Miner, Chapman Street., spoke to the civil case involving a former Greenfield police officer against the City of Greenfield and Chief Haigh.
- Susan White, Plain Rd., spoke to her opposition to the Councilor's decision to reduce the Police Department's budget at last month's budget meeting.
- Al Collins, Country Club Rd., spoke in opposition to the proposed marijuana cultivation facility project on Country Club Road.
- Wendy Goodman, Green River Rd., spoke to a number of issues including the police budget reduction; racism in the police department and the future of the public safety institution.
- Karl Meyer, Smith St., spoke to his support of the journalists and the Recorder who covered the meetings and reported on the issues and voiced his concern with the attack on the media. He also addressed the civil case involving a former Greenfield police officer against the City of Greenfield and Chief Haigh.
- Molly Merrett, Solar Way, spoke in support of the Councilor's decision to reduce the Police Department's budget at last month's budget meeting and to the civil case involving a former Greenfield police officer against the City of Greenfield and Chief Haigh.

- Nancy McIver, Plantation Cir., spoke to her support for a proposed zoning amendment to return marijuana cultivation limits back to tier one.
- Bill Johnston, Verde Dr., spoke to his support for a proposed zoning amendment to return marijuana cultivation limits back to tier one.
- Adam Belville, Cooke St., spoke to his concerns of being laid off from the police department due to the Councilor's reduction to the police department's budget.
- Mitchell Speicke, Chestnut Hill, spoke to the issue of home equity theft and what steps the Council could take to address the matter.
- Al Norman, Grinnell St., spoke to the Charter Chapter 7-7 Citizen's Initiatives and home equity theft.
- Andrea Michael, James St., spoke to her support for an audit of the police department. She also addressed the reduction of the police department's budget.
- Tom Tolg, Walnut St., spoke to this issue of home equity theft and urged the Councilors to propose an ordinance that this State mandate not be practiced in Greenfield.
- Sandy Kosterman, Barton Rd., spoke to her opposition of the proposed marijuana cultivation facility project on Country Club Road and supported a proposed zoning amendment to return the marijuana cultivation limit to tier 1.
- Michelle Allenby, Carol Ln., spoke to her disappointment in the direction in which the City of Greenfield was going with the division on current issues occurring in the City. She read from an email she originally attempted to send to one of the City Councilors.
- Pamela Goodwin, High St., spoke to a number of issues including the police budget reduction; the cleanup to the property located at 298 Federal Street and the media in Greenfield.
- Brian Hoffman, Barton Rd., spoke to his opposition to the proposed marijuana cultivation facility project on Country Club Road and supported a proposed zoning amendment to return the marijuana cultivation limit to tier 1.
- Andrew Ritchey, Beech St., thanked the Councilors for addressing the issues that have been brought forward including the marijuana cultivation facility, the proposed zoning amendment for return to tier 1; the cleanup of the property located at 298 Federal Street and police misconduct.
- Rick Pelc, Country Club Rd., spoke to his opposition to the proposed marijuana cultivation facility project on Country Club Road and supported a proposed zoning amendment to return the marijuana cultivation limit to tier 1.
- Jason Haskins, Forest Ave., spoke to his experience with the police department and raised his concerns regarding the possible layoff of some police officers due to the reduction in the police budget.
- Ashli Stempel-Rae, Conway St., spoke to her experience as a City Council President working with other committees. She also spoke to Chief Haigh's character as she witnessed.
- Jesus Leyva, High St., spoke to his experiences with the Greenfield Police Department and spoke to the reduction in the police department budget and urged the firing or accepting the resignation of Police Chief Haigh.
- Jaimye Hawkins, Cherry St., spoke to the civil case involving a former Greenfield police officer against the City of Greenfield and Police Chief Haigh. She also spoke to how misinformation and bias affected public opinion and escalate a situation.
- Ruben Mercado, West St., Northampton, spoke to his experience working with Police Chief Haigh.
- Ariel Elan, Montague, owes property on Prospect Ave., spoke to her opposition to the Councilor's decision to reduce the Police Department's budget at last month's budget meeting.

PUBLIC HEARINGS: Councilor Forgey read the public hearing notice:

PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., June 15, 2022, at 6:30 p.m. at John Zon Community Center and Zoom Conferencing System: <https://greenfield-ma-gov.zoom.us/j/93216003634?pwd=M3ZqdTlleVFSbjhIUWtCME1lSVc0dz09>, to receive public input on the following:

- Approve Payment of \$10,814, FY2020 Invoice for Siemens Inc from FY22 Energy Department Budget.

The City Council may consider the same on Wed., June 15, 2022, at 6:30 p.m. at John Zon Community Center and Zoom Conferencing System: <https://greenfield-ma-gov.zoom.us/j/93216003634?pwd=M3ZqdTlleVFSbjhIUWtCME1lSVc0dz09>. Materials can be obtained from the City Clerk's Office, 14 Court Sq. from 9:00 a.m.-4:00 p.m., Mon. - Fri. or phone 413-772-1555, x. 6163.

Sheila Gilmour, Greenfield City Council President

President Gilmour opened the public hearing at 8:54 pm. She asked if anyone from the public would like to speak. Seeing none, she closed the public hearing at 8:54 pm.

The order needed 12 Councilors to vote in favor of the measure. Because 12 Councilors weren't present and/or unable to vote, President Gilmour asked if there was no objection to forward the order to the July City Council meeting. Seeing none, the order was forwarded to July 20, 2022, City Council meeting.

President Gilmour asked for a 5 minutes recess at 8:55 pm.

President Gilmour resumed the meeting at 9:00 pm.

Councilor Terounzo read the second reading:

City Council – Second Reading- June 15, 2022

- Approve Payment of \$10,814 FY2020 Invoice for Siemens Inc from FY22 Energy Department Budget.

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 22-158

MOTION: On a motion by Councilor Ricketts, second by Councilor Desorgher, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROPRIATE OR RESERVE FROM COMMUNITY PRESERVATION FUND ANNUAL REVENUES OR AVAILABLE FUNDS THE AMOUNTS RECOMMENDED BY THE COMMUNITY PRESERVATION COMMITTEE FOR COMMITTEE ADMINISTRATIVE EXPENSES, DEBT SERVICE, COMMUNITY PRESERVATION PROJECTS AND OTHER EXPENSES IN FISCAL YEAR 2023, WITH EACH ITEM TO BE CONSIDERED A SEPARATE APPROPRIATION AS FOLLOWS:

APPROPRIATE \$13,437.50 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR ADMINISTRATIVE EXPENSES.

RESERVE \$174,687.50 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR FY2023 COMMUNITY PRESERVATION FUND PURPOSES (FY2023 ANNUAL BUDGETED RESERVE).

RESERVE \$26,875.00 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR OPEN SPACE.

RESERVE \$26,875.00 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR HISTORIC RESOURCES.

RESERVE \$26,875.00 FROM FY2023 COMMUNITY PRESERVATION FUND REVENUES FOR COMMUNITY HOUSING.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-158.

Order no. FY 22-149

MOTION: On a motion by Councilor Desorgher, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$50,000 BE TRANSFERRED FROM THE FOLLOWING FY22 ACCOUNTS:

01001500.5305 LABOR SPECIAL LITIGATION	\$40,000
01002410.5111 BUILDING SALARIES	\$10,000

TO THE FOLLOWING ACCOUNT:

01001510.5302 FY22 CITY LEGAL	\$50,000
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DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-149.

Order no. FY 22-150

MOTION: On a motion by Councilor Desorgher, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$30,000 BE TRANSFERRED FROM THE FY22 01002120.5111 PARKING SALARIES TO FY22 01002130.5130 DISPATCH OVERTIME

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Other comments included:

- Rationale given for the significant balance in the Parking Salaries account.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-150.

Order no. FY 22-151

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$60,000 BE TRANSFERRED FROM THE FOLLOWING ACCOUNTS:

01001550.5111	FY22 IT SALARIES	\$42,000
01001350.5111	FY22 ACCOUNTING SALARIES	\$18,000

TO THE FOLLOWING FY22 ENERGY ACCOUNTS:

01001970.521122	FIRE ELECTRIC	\$16,000
01001970.521622	FIRE PROPANE	\$23,000
01001970.521111	MIDDLE SCHOOL ELECTRIC	\$21,000

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-151.

Order no. FY 22-152

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$12,600 BE TRANSFERRED FROM ACCOUNT 01001410.5111 ASSESSORS SALARIES AND WAGES TO THE FOLLOWING FY22 GENERAL FUND ACCOUNTS:

01009160.5181	MEDICARE TAX	\$10,000
01001580.5317	TAX TITLE	\$ 2,600

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-152.

Order no. FY 22-153

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$65,000 BE TRANSFERRED FROM THE FY22 01001320.5781 RESERVE FUND TO FY22 CITY VEHICLE FUEL ACCOUNTS AS FOLLOWS:

01002100.5482	POLICE NO LEAD GAS	\$25,000
01002200.5482	FIRE FUEL	\$20,000
01004290.5482	DPW SERVICE GAS	\$10,000
01004290.5483	DPW SERVICE DIESEL	\$10,000

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation. Other comments included:

- Amount requested for the Police Gas account was same amount reduced in the police department's operating budget expense line item.
- End of year transfer requests were a normal procedure used to close a fiscal year. Not every department was able to meet the accommodations of the budget, so the Mayor and Finance Director attempted to locate these funds. It was illegal to close a fiscal year with a negative balance; which could result in the raising of taxes.

It was by majority, 8 yes, 1 no,

VOTED: TO APPROVE ORDER NO. FY 22-153.

Order no. FY 22-154

MOTION: On a motion by Councilor Forgey, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THE CITY COUNCIL, UPON RECOMMENDATION OF MAYOR WEDEGARTNER AND IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, THE SUM OF \$61,000 BE TRANSFERRED FROM THE FY22 01007100.59991 SHORT TERM PRINCIPAL PAYDOWN TO FY22 01007520.5925 SHORT TERM INTEREST.

DISCUSSION: Councilor Forgey reported the Ways & Means Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-154.

Order no. FY 22-139

MOTION: On a motion by Councilor Elmer, No second, it was,

FAILED FOR LACK OF SECOND: THAT IT BE ORDERED THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, TO PROVIDE MARGINS OF PROTECTION FOR ESTABLISHED NEIGHBORHOODS IN REGARDS TO THE SETBACK, PLACEMENT AND TIER SIZE ALLOWED FOR MARIJUANA/CANNABIS CULTIVATION FACILITIES AND PROPOSE LIMITATIONS BE PUT ON ZONING LAWS FOR ESTABLISHED MEDIUM TO HIGH DENSITY NEIGHBORHOODS;

AND FURTHERMORE, TO PLACE A MORTORIUM ON ALL SPECIAL PERMITS FOR MARIJUANA/CANNABIS CULTIVATION TO ALLOW THE CITY TIME TO STUDY EXISTING CULTIVATION ESTABLISHMENTS AND TO UNDERTAKE A PLANNING PROCESS TO CONSIDER AMENDING THE ZONING BYLAWS REGARDING CULTIVATION FACILITIES IN RESIDENTIAL AREAS.

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Councilor Elmer explained this was the result of a citizen's petition. A legal opinion was issued outlining the reasons why the language was insufficient for the Council to consider and therefore the Economic Development Committee voted to table the matter at their June14 meeting. Two proposed zoning amendments related to these issues were filed by the Planning Board and Councilor Forgey, respectively, to be presented later in meeting under New Business.

Order no. FY 22-157

MOTION: On a motion by Councilor Bullock, second by Councilor Desorgher, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL RESCIND THE FOLLOWING ORDER VOTED DURING THE REGULAR MEETING HELD ON FEBRUARY 16, 2022:

Order no. FY 22-082

On February 16, 2022, the Greenfield City Council, on a motion by Councilor Forgey, second by Councilor Mayo, it was by roll call, 10 yes, 0 no,

THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 6-11 (D): PUBLIC SAFETY COMMISSION; POWERS AND DUTIES, BE AMENDED AS INDICATED BELOW, WITH BOLD TEXT TO BE ADDED AND STRIKETHROUGH TEXT TO BE REMOVED:

SECTION 6-11: PUBLIC SAFETY COMMISSION

D) POWERS AND DUTIES: THE COMMISSION SHALL ASSIST THE MAYOR IN THE SUPERVISION AND OVERSIGHT OF ALL DEPARTMENTS ~~(FIRE, POLICE, EMERGENCY MEASURES ORGANIZATION)~~ **EMERGENCY MANAGEMENT, DISPATCH**), INCLUDING THE COORDINATION OF THE ADMINISTRATION OF ALL DEPARTMENTS WITH ONE ANOTHER, AND WITH OTHER CITY DEPARTMENTS AND AGENCIES BY MAKING RECOMMENDATIONS TO THE MAYOR CONCERNING:

1. SETTING PRIORITIES WITHIN THE SAID DEPARTMENTS.
2. THE ANNUAL OPERATING BUDGET OF ~~BOTH~~ **ALL** DEPARTMENTS, AFTER THE MAYOR AND THE COMMISSION HAVE MET WITH THE ~~CHIEFS~~ **PUBLIC SAFETY DEPARTMENTS HEADS** TO DISCUSS THE PROPOSED BUDGETS.
3. THE CAPITAL BUDGET REQUESTS OF ~~BOTH~~ **ALL PUBLIC SAFETY** DEPARTMENTS **SHALL BE SUBMITTED TO THE MAYOR AFTER THE COMMISSION HAS MET WITH THE DEPARTMENT HEADS TO DISCUSS THE REQUESTS.** THE COMMISSION MEMBERS MAY ONLY INSPECT THE DEPARTMENTS ON AN ANNUAL BASIS IN CONNECTION WITH BUDGET REVIEW. ~~INSPECTIONS SHALL~~ **CAN INCLUDE FACILITY AND EQUIPMENT MAINTENANCE, DEPARTMENT RECORDS, STATUS OF POLICIES AND PROCEDURES, AND REVIEWS OF ANY OTHER ASPECT OF THE DEPARTMENTS DEEMED NECESSARY TO THE SMOOTH OPERATION OF SAID DEPARTMENTS.** INSPECTIONS SHALL BE MADE ONLY AFTER APPROVAL FROM THE ~~CHIEF~~ **DEPARTMENT HEAD** HAS BEEN OBTAINED TO INSURE IT WILL NOT DISRUPT DEPARTMENT OPERATIONS.
4. FINAL REVIEW FOR APPOINTMENTS AND PROMOTIONS OF ALL PERSONNEL, IN THE POLICE AND FIRE DEPARTMENTS, SHALL BE CONDUCTED BY THE COMMISSION AND THE RESPECTIVE ~~CHIEF~~ **PUBLIC SAFETY DEPARTMENT HEAD.** ~~THE CHIEF PUBLIC SAFETY DEPARTMENT HEAD~~ SHALL SUBMIT RECOMMENDATIONS TO THE COMMISSION AND THE COMMISSION, IF IT DOES NOT AGREE WITH SAID RECOMMENDATIONS, SHALL SUBMIT WRITTEN REASONS FOR NOT CONCURRING WITH SAID RECOMMENDATIONS TO THE MAYOR. APPOINTMENTS AND PROMOTIONS OF PUBLIC SAFETY PERSONNEL SHALL BE MADE IN ACCORDANCE WITH CIVIL SERVICE LAW AND GENERAL LAWS, AND LOCAL HIRING POLICY REQUIREMENTS AS DEFINED BY THE MAYOR RESPECTIVELY, AS THEY MAY APPLY TO THE CITY HIRING PROCESS. (HR & MAYOR)

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER

DISCUSSION: It was noted that the language used on the order in February was from an older version of the City Charter.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-157.

Order no. FY 22-144

MOTION: On a motion by Councilor Bullock, second by Councilor Desorgher, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 6-11 (D): PUBLIC SAFETY COMMISSION; POWERS AND DUTIES, BE AMENDED AS INDICATED BELOW, WITH BOLD TEXT TO BE ADDED AND STRIKETHROUGH TEXT TO BE REMOVED:

SECTION 6-11: PUBLIC SAFETY COMMISSION

(d) *Powers and Duties:* The commission shall assist the Mayor in the supervision and oversight of ~~the~~ **ALL DEPARTMENTS** (police, ~~and~~ fire, **EMERGENCY MANAGEMENT, DISPATCH**) ~~departments~~, including the coordination of the administration of ~~both~~**ALL** departments with one another, and with other City departments and agencies by making recommendations to the Mayor concerning:

1. Setting priorities within said departments;
2. The annual operating budgets of **ALL** ~~both~~ departments, after the Mayor and commission have met with the **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ to discuss the proposed budgets; .
3. The capital budget requests of ~~both~~**ALL PUBLIC SAFETY** departments **SHALL BE SUBMITTED TO** ~~, after~~ the Mayor **AFTER**~~and~~ the commission **HAS** ~~have~~ met with the **DEPARTMENT HEADS** ~~chiefs~~ to discuss the requests, provided, however, that commission members may only inspect the departments on an annual basis in connection with ~~the~~ budget review. **INSPECTIONS CAN INCLUDE FACILITY AND EQUIPMENT MAINTENANCE, DEPARTMENT RECORDS, STATUS OF POLICIES AND PROCEDURES, AND REVIEWS OF ANY OTHER ASPECT OF THE DEPARTMENTS DEEMED NECESSARY TO THE SMOOTH OPERATION OF SAID DEPARTMENTS.** ~~or in relation to a written complaint from the public. (Inspections shall be made only after approval from the~~ **DEPARTMENT HEADS** ~~chiefs~~ ~~has been obtained to insure it will not unduly disrupt department operations.)~~
4. Final interviews for appointments and promotions of **ALL PERSONNEL** ~~officers and employees~~, in the police and fire department, shall be conducted by the commission and the **RESPECTIVE PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~. The **PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~ shall submit ~~his~~ recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with collective bargaining agreements and applicable General Laws, and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

DISCUSSION: Councilor Bullock reported the Appointments & Ordinances Committee forwarded a unanimous positive recommendation. Other comments included:

- Mayor Wedegartner forwarded amended language for additional clarification to the Charter Section.

MOTION: On a motion by Councilor Lapienski, second by Councilor Ricketts, it was unanimously,

VOTED: TO AMEND ORDER BY ADDING THE FOLLOWING LANGUAGE IN BOLD RED AND REMOVING LANGUAGE IN RED STRIKETHROUGH AS FOLLOWS:

SECTION 6-11: PUBLIC SAFETY COMMISSION

(d) *Powers and Duties:* The commission shall assist the Mayor in the supervision and oversight of ~~the~~ **ALL DEPARTMENTS** (police, ~~and~~ fire, **EMERGENCY MANAGEMENT, DISPATCH**) ~~departments~~, including the coordination of the administration of ~~both~~**ALL** departments with one another, and with other City departments and agencies by making recommendations to the Mayor concerning:

1. Setting priorities within said departments;
2. The annual operating budgets of **ALL** ~~both~~ departments, after the Mayor and commission have met with the **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ to discuss the proposed budgets; .
3. The capital budget requests of ~~both~~**ALL PUBLIC SAFETY** departments **SHALL BE SUBMITTED TO** ~~after~~ the Mayor **AFTER**~~and~~ the commission **HAS** ~~have~~ met with the **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ to discuss the requests, provided, however, that commission members may only inspect the departments on an annual basis in connection with ~~the~~ budget review. **INSPECTIONS CAN INCLUDE FACILITY AND EQUIPMENT MAINTENANCE, DEPARTMENT RECORDS, STATUS OF POLICIES AND PROCEDURES, AND REVIEWS OF ANY OTHER ASPECT OF THE DEPARTMENTS DEEMED NECESSARY TO THE SMOOTH OPERATION OF SAID DEPARTMENTS.** ~~or in relation to a written complaint from the public. (Inspections shall be made only after approval from the~~ **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ **has** ~~been obtained to insure it will not unduly disrupt department operations.)~~
4. Final interviews for appointments and promotions of **ALL PERSONNEL** ~~officers and employees~~, in the police ~~and~~ **or** fire department, shall be conducted by the commission and the **RESPECTIVE PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~. The **RESPECTIVE PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~ shall submit ~~his~~ recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with collective bargaining agreements and applicable General Laws, and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

Order no. FY22-144, as amended, was on the floor: THAT IT BE ORDERED THAT THE GREENFIELD CITY CHARTER ARTICLE 6: ADMINISTRATIVE ORGANIZATION, SECTION 6-11 (D): PUBLIC SAFETY COMMISSION; POWERS AND DUTIES, BE AMENDED AS INDICATED BELOW, WITH BOLD TEXT TO BE ADDED AND STRIKETHROUGH TEXT TO BE REMOVED:

SECTION 6-11: PUBLIC SAFETY COMMISSION

(d) *Powers and Duties:* The commission shall assist the Mayor in the supervision and oversight of ~~the~~ **ALL DEPARTMENTS** (police, ~~and~~ fire, **EMERGENCY MANAGEMENT, DISPATCH**) ~~departments~~, including the coordination of the administration of ~~both~~**ALL** departments with one another, and with other City departments and agencies by making recommendations to the Mayor concerning:

1. Setting priorities within said departments;

2. The annual operating budgets of ~~ALL both~~ departments, after the Mayor and commission have met with the **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ to discuss the proposed budgets; .

3. The capital budget requests of ~~both~~ **ALL PUBLIC SAFETY** departments **SHALL BE SUBMITTED TO** ~~after the Mayor~~ **AFTER** ~~and the commission~~ **HAS** ~~have~~ met with the **PUBLIC SAFETY DEPARTMENT HEADS** ~~chiefs~~ to discuss the requests, provided, however, that commission members may only inspect the departments on an annual basis in connection with ~~the~~ budget review. **INSPECTIONS CAN INCLUDE FACILITY AND EQUIPMENT MAINTENANCE, DEPARTMENT RECORDS, STATUS OF POLICIES AND PROCEDURES, AND REVIEWS OF ANY OTHER ASPECT OF THE DEPARTMENTS DEEMED NECESSARY TO THE SMOOTH OPERATION OF SAID DEPARTMENTS.** ~~or in relation to a written complaint from the public. (Inspections shall be made only after approval from the PUBLIC SAFETY DEPARTMENT HEADS~~ ~~chiefs~~ ~~has been obtained to insure it will not unduly disrupt department operations.)~~

4. Final interviews for appointments and promotions of **ALL PERSONNEL** ~~officers and employees,~~ in the police ~~and~~ **or** fire department, shall be conducted by the commission and the **RESPECTIVE PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~. The **RESPECTIVE PUBLIC SAFETY DEPARTMENT HEADS** ~~chief~~ shall submit ~~his~~ recommendations to the commission and the commission, if it does not agree with said recommendations, shall submit written reasons for not concurring with said recommendations to the Mayor. Appointments and promotions of public safety personnel shall be made in accordance with collective bargaining agreements and applicable General Laws, and local hiring policy requirements as defined by the Mayor, respectively.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-144 AS AMENDED.

Order no. FY 22-156

MOTION: On a motion by Councilor Bullock, second by Councilor Ricketts, it was,

MOVED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10, AFFIRMS THE FOLLOWING APPOINTMENTS AND RE-APPOINTMENTS BY THE MAYOR:

Appointments:

- Council on Aging - Randie Handleman, Term to Expire December 31, 2022 (short term to replace Mary Williford)
- Human Rights Commission - Philippe Simon, Term to Expire June 30, 2023 (short term to replace Carolyn McDaniel)
- Human Rights Commission - Irene Woods, Term to Expire December 31, 2024 (short term to replace Maureen Lyons)
- Mayor's Task Force Against Domestic Violence - Scott Smith, Term to Expire December 31, 2024 (short term to replace Irene Woods)
- Sustainable Greenfield Implementation Committee - Walter Kim Boas, Term to Expire June 30, 2025

Reappointments:

- Council on Aging - Margaret "Peg" Saulnier, Term to Expire June 30, 2025
- Housing Authority - Trish Leonard, Term to Expire June 30, 2027

- Sustainable Greenfield Implementation Committee - Nancy Hazard, Term to Expire June 30, 2025

DISCUSSION: Councilor Bullock reported the Appointments & Ordinances Committee forwarded a unanimous positive recommendation.

It was unanimously,

VOTED: TO APPROVE ORDER NO. FY 22-156.

Order no. FY 22-161

MOTION: On a motion by Councilor Desorgher, second by Councilor Lapienski, it was by roll call, 9 yes, 1 abstention,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE RESOLUTION TITLED “A RESOLUTION REGARDING THE CONTINUED SERVICES OF O’REILLY, TALBOT AND OKUN (OTO) ACTING AS THE LICENSED SITE PROFESSIONAL (LSP) FOR THE BROWNFIELD CLEAN-UP OF THE LUNT PROPERTY AT 298 FEDERAL STREET (RTN 1-18869), AS ATTACHED IN EXHIBIT A.

WHEREAS, it is confirmed by the recent Massachusetts Department of Environmental Protection (DEP) Audit Report, that OTO has failed to conduct an adequate and thorough characterization and assessment of the extent of contamination on the Lunt property, especially pertaining to Trichloroethylene (TCE) contamination and other Dense Non-aqueous Phase Liquids (DNAPLs);

WHEREAS, it is confirmed by the DEP Audit, that OTO failed to implement the necessary contaminant containment to isolate the TCE contamination and to prevent further TCE spread and exposure to the public;

WHEREAS, OTO allowed the premature opening of the detox unit before necessary contaminant controls were established. Failure to properly test indoor air quality resulted in an emergency situation in which the DEP highest category imminent hazard alert was triggered. Imminent hazard alerts are based in-part on the potential for carcinogenic health effects;

WHEREAS, failure by OTO resulted in the unnecessary exposure to vapors of chlorinated solvents, primarily TCE, to the staff and residents occupying the Franklin Recovery Center;

WHEREAS, such actions or lack of actions by OTO continue to unnecessarily expose workers and residents to vapors of chlorinated solvents without their knowledge or consent;

WHEREAS, OTO failed to design and install a groundwater collection and treatment system as proposed in the 2012 Phase II Report and reaffirmed in the FRCOG Analysis.

WHEREAS, the City turned over the preparation of the Public Involvement Plan (PIP) to 401 Liberty Street, LLC, (Raipher Pellegrino) the lessee of the Lunt property who has a financial conflict of interest in the outcome;

WHEREAS, OTO has lost the confidence of the public by the above actions;

WHEREAS, by failing to adequately control the contamination and to prevent the continuing migration of contamination off-site, it significantly increases the City’s exposure to potential liability related to the hazardous wastes present at the Lunt property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Greenfield has lost confidence in the further involvement of OTO acting as the LSP for the Lunt property clean-up and directs the Mayor of Greenfield to retain the services of a different LSP who will gain control of the remaining contaminants at the Lunt property and actually implement the Public Involvement Plan to guide the clean-up process going forward.

Order no. FY 22-160

MOTION: On a motion by Councilor Lapienski, No second, it was,

FAILED FOR LACK OF SECOND: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL APPROVES THE ATTACHED RESOLUTION:

Resolved, that the City Council finds full and appropriate reason to declare that police chief Robert Haigh has lost the confidence of the citizens of Greenfield; and finds further reason to declare that Mayor Roxann Wedegartner, due to her public support of Chief Haigh, has similarly lost the confidence of the citizens of Greenfield.

The City Council therefore calls on the Mayor to rectify this crisis of confidence either by firing Chief Haigh immediately or by resigning from office.

PRESENTATION OF PETITIONS AND SIMILAR PAPERS – None.

REPORTS OF COMMITTEES – Councilor Elmer inquired as to the recommendation the Economic Development Committee forwarded on the sale of land located on Summer Street not appearing on this month's agenda for a vote.

UNFINISHED BUSINESS: None.

OLD BUSINESS: Councilor Lapienski inquired as to the proposed Charter Change for Section 7-7 he submitted in March moving forward to a recommendation at the Appointments & Ordinances Committee and then to full Council for a vote.

MOTION: On a motion by Councilor Lapienski, No second, it was,

FAILED FOR LACK OF SECOND: TO AMEND SECTION 7-7 OF THE CHARTER OF THE CITY OF GREENFIELD BY STRIKING THE WORDS “NOT LESS THAN 10 PERCENT OF THE TOTAL NUMBER OF VOTERS VOTING IN THE MOST RECENT BIENNIAL TOWN ELECTION.”, AND THE WORD “BUT” FROM SUBSECTION C, ADDING THE WORDS “AND SHALL SUBMIT THE PROPOSED MEASURE WITHOUT ALTERATION TO THE VOTERS FOR DETERMINATION AT THE NEXT REGULAR ELECTION, WHETHER IT BE A CITY OF STATE ELECTION.” AND THAT’S ADDING IT TO SUBSECTION D AND STRIKING SUBSECTION E IN ITS ENTIRETY.

NEW BUSINESS: Councilor Forgey requested to step down from the Appointments & Ordinances Committee. Councilor Ricketts announced that she would like to be appointed to the Appointments & Ordinances Committee.

President Gilmour called for a 5 minute recess at 10:11 pm.

Meeting resumed at 10:19 pm.

Discussion on the use of City of Greenfield social media platforms for the purpose of intimidation and retaliation against an individual or group. Comments included:

- President Gilmour provided rationale for why this issue was placed on the agenda.
- Some Councilors had approached President Gilmour with their experiences receiving harassing phone calls and comments on social media platforms that were construed as threatening in nature.
- The Mayor's office does not receive notification or gives permission to anyone who has access to post on a City of Greenfield website.
- The Mayor's administration was in the process of putting policies in place in regards to the City's social media platforms and their specific uses.

- Concern was raised as to the numerous posts and specific wording used that could be interpreted as harassment of threat.
- It was noted that Councilors, both past and present, have also posted on social media or had written communications that could have been taken as intimidating and harassing as well.
- If an employee of the City intentionally posted incorrect or misleading information on a City website they would receive disciplinary action and the post would be removed from the website and archived as public record.

Councilor Forgey read the first reading:

City Council – First Reading- June 15, 2022

- Appropriate \$175,000 from Fund 8400 General Stabilization for Independent Assessment/Audit of the City of Greenfield's Police Department's Structure, Policies and Practices.

Councilor Elmer read the notice of zoning amendment proposals:

Notice of Zoning Amendment proposals – June 15, 2022

The following zoning amendment proposal(s) have been submitted to the Greenfield City Council for consideration:

- Add Section 200-7.3 to place a 1-year moratorium on all outdoor marijuana/cannabis cultivation facilities to allow the City time to study existing cultivation establishments and to undertake a planning process to consider amending the Zoning Ordinance regarding cultivation facilities in residential areas.

Councilor Elmer noted that many residents had requested to change the tier 1 limits on marijuana grow facilities before the vote to establish a 1 year moratorium. He signed a civil action in the Town of Acton in which the Town had the right to limit the amount of activity on a property without changing the project itself. He read the proposed zoning amendment submitted by Councilor Forgey:

- Motion: Pursuant to the provisions of Chapter 94G, section 3 of the M.G.L., in order to impose reasonable safeguards on the operation of outdoor marijuana cultivations, and to restrict the licensed cultivation, processing and manufacturing of marijuana, the City of Greenfield hereby makes the following amendments to its Zoning Ordinance:
 - 1. Section 200-4.2 Rural Residential District (RC) section (C) Uses by special permit, is hereby amended by adding the following new section:
“(22) Marijuana cultivation limited to Tier 1 (5,000 square feet) pursuant to ~200-7.17”
 - 2. ~ 200-7.17. Marijuana Establishments is hereby further amended by adding at the end of section (B) 4 the following new language: **“A marijuana outdoor cultivation is limited to Tier 1 (5,000 square feet) per license. No Person or Entity Having Direct or Indirect Control shall be granted, or hold, more than three licenses in a particular class. The maximum outdoor canopy permissible under all licenses for a single parcel is 15,000 sq. ft.”**

The Councilors discussed whether they had the ability to vote on the measure submitted by Councilor Forgey tonight at this meeting.

MOTIONS FOR RECONSIDERATION: None.

ADJOURNMENT: On a motion by Councilor Ricketts, second by Councilor Helie, it was unanimously, **VOTED: TO ADJOURN THE MEETING AT 11:52 P.M.**

A true copy,

Attest: _____
Kathryn J. Scott, City Clerk

GREENFIELD CITY COUNCIL MEMBERS

John Zon Community Center/Zoom Hybrid
Regular Meeting
June 15, 2022

	Attendance	FY22-161				
40. Golub, Katherine	Y	Y				
41. Guin, Daniel	N	---				
42. Desorgher, Virginia	Y	Y				
43. Bottomley, John	Y	---				
44. Bullock, Marianne	Y	Y				
45. Gilmour, Sheila	Y	Y				
46. Lapienski, Jasper	Y	Y				
47. Mayo, Douglas	Y	---				
48. Helie, Derek	Y	A				
49. Elmer, Philip	Y	Y				
50. Forgey, Christine	Y	Y				
51. Ricketts, Penny	Y	Y				
52. Terounzo, Michael	Y	Y				

9 y
1 abs

Submitted by School Committee Chair Amy Proietti for June 15, 2022, City Council meeting.

----- Forwarded message -----

From: **Amy Proietti** <amypro1@gpsk12.org>

Date: Wed, Jun 15, 2022 at 9:57 AM

Subject: 6/15 Report from GPS to the City Council

To: Kathy Scott <kathy.scott@greenfield-ma.gov>

Cc: Christine DeBarge <chrdeb1@gpsk12.org>

Hi, Kathy.

Superintendent DeBarge and I submit the attached as our report from the Schools to the Council for June 2022.

We encourage the Councilors to review the full NESDEC presentation:

https://www.gpsk12.org/sites/default/files/School_Committee/NESDEC_BestUseofEdFacilitiesPresentation_Rev2_06082022.pdf

The presentation and discussion can be viewed on the GCTV recording of the 6/8 School Committee meeting, which beginning around minute 35:

<https://www.youtube.com/watch?v=ccTlQdMizXA>

Thank you,

--Amy P.

PUBLIC HEARING

In accordance with Home Rule Charter, the Greenfield City Council will hold a public hearing on Wed., July 20, 2022, at 6:30 pm, at John Zon Community Center, 35 Pleasant St., and Zoom Remote Access: <https://greenfield-ma-gov.zoom.us/j/97104765151?pwd=VE9KSFRMR1NsdVNZUjMzTzlwZWZWRKZz09> Meeting ID 971 0476 5151, to receive public input on the following:

- Appropriate \$175,000 from Fund 8400 General Stabilization for Independent Assessment/Audit of the City of Greenfield's Police Department's Structure, Policies and Practices.

The City Council may consider the same on Wed., July 20, 2022, at 6:30 pm, at John Zon Community Center, 35 Pleasant St., and Zoom Remote Access: <https://greenfield-ma-gov.zoom.us/j/97104765151?pwd=VE9KSFRMR1NsdVNZUjMzTzlwZWZWRKZz09> Meeting ID 971 0476 5151 Materials can be obtained from the City Clerk's Office, 14 Court Sq. from 9:00 a.m.-4:00 p.m., Mon. - Fri. or phone 413-772-1555, x. 6163.

Sheila Gilmour, Greenfield City Council President

City Council – Second Reading- July 20, 2022

- Appropriate \$175,000 from Fund 8400 General Stabilization for Independent Assessment/Audit of the City of Greenfield's Police Department's Structure, Policies and Practices.

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____ :
Second by Councilor _____ :

The City Council,

Upon recommendation of Mayor Wedegartner

An Order

To Approve payment of a prior year invoices in the amount of \$ 10,814

Ordered, that:

The Greenfield City Council approve the payment of prior year invoices for Siemens Inc in the amount of \$10,814 to be paid from the FY22 Energy Department Budget.

9/10 (12 yes) votes required

VOTE:

Attachments(s)

- 1). Memo from Director Collins
- 2). Siemens Invoice

MEMORANDUM

TO: City Council
CC: Mayor Roxann Wedegartner
Liz Gilman, Finance Director
FROM: Carole Collins, Director of Energy and Sustainability
SUBJECT: MISSED FY20 INVOICE FROM SIEMENS FOR PAYMENT
DATE: 4/26/2022

Missed FY20 Invoice from Siemens to be Paid

Attached please find the FY20 invoice in the amount of \$10,814. from Siemens for the *Performance Assurance Year 5 Report* related to the guaranteed savings from energy efficiency upgrades performed by Siemens to town buildings. The City of Greenfield is contractually obligated for twenty years to pay for a performance assurance report.

The invoice wasn't sent until well into 2021 and the report was also late in arriving, and it took some time to sort out all the invoices and reports since they were getting sent to different municipal staff at all times of year. Combined with a high rate of turnover at Siemens resulted in highly confusing and missing/delayed invoices and reports.

The Energy Department has created a schedule for the invoices, payments and receipt of reports in order to avoid future problems with this account.

Invoice

Date
06/10/2020

Page 1 of 1

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CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____ :
Second by Councilor _____ :

The City Council,

Upon recommendation of the Mayor Wedegartner

Ordered that,

The sum of \$175,000 be appropriated from Fund 8400 General Stabilization to fund an independent assessment / audit of the City of Greenfield's Police Department's structure, policies and practices. Areas to be covered include, but are not limited, the following:

- organizational structure and governance,
- operating policies and procedures,
- department culture,
- hiring and promotional practices,
- professional standards and accountability,
- budgeting and planning

Two-thirds Majority Vote (9)

Current General Stabilization Balance: \$2,153,843.45

INFORMATION:

1. The City will be sending out a Request for Proposal (RFP) for the audit. We anticipate the cost will be in the range of \$100,000 to \$175,000.
2. The amount for the audit is from the General Stabilization Fund and should be replenished when free cash is certified in the Fall. Any funds remaining after the audit are closed to the General Fund.
3. Examples of audits done by the communities of Albany, New York and Methuen, Massachusetts are attached.

Attachments:

1. Albany, NY Audit and Request for Proposal
2. Methuen, Massachusetts Audit



**CITY OF ALBANY
OFFICE OF AUDIT AND CONTROL**

**REQUEST FOR PROPOSALS
FOR THE PROVISION OF
RACIAL BIAS AUDIT SERVICES**

**PROPOSALS DUE: JULY 31, 2020
AT 2:00 PM**

RFP 2020-19

JULY 10, 2020

City of Albany, New York
REQUEST FOR PROPOSALS
FOR THE PROVISION OF
RACIAL BIAS AUDIT SERVICES

Proposal Number 2020-19
July 10, 2020

IMPORTANT NOTICE:

A restricted period is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Proposers are prohibited from contact related to this procurement with any City of Albany employee other than the designated contacts listed below refer to:

Designated Contacts for this Procurement:

For Project or Services Clarifications:.....Dr. Dorcey L. Applyrs, DrPH, MPH

For Public Procurement Process Clarifications:.....Laura M. Gulfo, Esq.

SECTION 1: PURPOSE

- 1.1 The City of Albany's Office of Audit and Control seeks proposals from qualified consultants to conduct a racial bias audit of the Albany Police Department (hereinafter referred to as "APD"). The objectives of this audit are (1) examine APD's internal operations, policies and procedures to detect the presence of disparities in implicit and racial biases from the past five (5) years. The data retrieved and analyzed through the audit process will be used to (2) evaluate APD's policies, initiatives, and practices that impact Albany residents, in particular, Black members of the Albany community; and (3) provide the administration with baseline information to inform the City of Albany's response to Governor Andrew M. Cuomo's Executive Order No. 203: New York State Police Reform and Reinvention Collaborative.
- 1.2 Executive Order No. 203 mandates each municipal administration to perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such local police agency; promoting community engagement to foster trust, fairness, and legitimacy; and addressing any racial bias and disproportionate policing of communities of color.
- 1.3 Minority Business Enterprises and Women's Business Enterprises are encouraged to submit proposals.

SECTION 2: RECEIPT OF PROPOSALS:

- 2.1 Proposers may submit their Proposals either by electronic submission via BidNetDirect.com or by mail. If submitting by mail, four (4) copies of the Proposal must be received in a sealed envelope marked "Proposal Enclosed – RFP 2020-19 Racial Bias Audit" no later than July 31, 2020 at 2:00 pm at the following address:
- Laura M. Gulfo, Esq.
Assistant Corporation Counsel
City Hall - Room 106
24 Eagle Street
Albany, New York 12207
- 2.2 Each Proposal submitted will be the document upon which the City will make its initial judgment regarding each proposer's qualifications, methodology, and ability to provide the requested services.
- 2.3 Those submitting proposals do so entirely at their own expense. There is no express or implied obligation by the City to reimburse any entity, firm or individual for any costs incurred in preparing or submitting proposals, preparing or submitting additional information requested by the City, or participating in any selection interviews.
- 2.4 Submission of any proposal indicates an acceptance of the conditions contained in this Request for Proposals unless the submitted proposal clearly and specifically states otherwise.
- 2.5 The City reserves the right to accept or reject any and all proposals in whole or in part, to waive any and all informalities, require supplemental statements or information from any responsible party, negotiate potential contract terms with any respondent to this RFP, have discussions with any respondent to this RFP to correct and/or clarify responses which do not conform to the instructions contained herein and to disregard all non-conforming, non-responsive or conditional proposals.
- 2.6 The City reserves the right to award the services, in whole or in part, to one or more entities, firms and/or individuals.
- 2.7 Any award of the services shall be conditioned on the later execution of a formal written contract. The City reserves the right to revoke or rescind any award at any time prior to the full execution of a formal written contract.
- 2.8 Respondents shall avoid submission of marketing materials.
- 2.9 All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of

the City upon the request of any person unless the content of the document falls under a specific exemption to disclosure.

SECTION 3: QUALIFICATIONS OF PROPOSER:

- 3.1 Each Proposer shall provide a Statement of Qualifications which shall not exceed ten (10) pages (including resumes). This page limit applies only to the Statement of Qualifications, and does not apply to the proposal. The Statement of Qualifications shall include the following:
- A. A brief history and description of the entity/firm submitting the Proposal.
 - B. Identification of the entity/firm's professional staff members who will be assigned to this engagement if the entity/firm's proposal is selected. Include summarized information regarding the professional staff members detailing qualifications, years and types of experience, education, licensure, certifications, accomplishments, etc. Specify the extent of the availability and commitment of each such professional staff member who will be assigned to this engagement if the firm's proposal is selected. Specify a project manager and contact person to coordinate the services for the City.
 - C. Proof that Proposer at all times obtains and maintains all licenses required by Federal, State, and Local Laws to perform the services contemplated by this RFP.
 - D. At least three (3) references, including addresses and telephone numbers.
 - E. A signed cover letter from a person within the entity/firm who is authorized to make representations on behalf of the firm and to bind the entity/firm.
 - F. A summary of the entity/firm's general experience in providing racial bias audit services to municipalities of the same or similar employment size as the City of Albany.
 - G. Any additional information which would serve to distinguish the entity/firm from other entities/firms submitting proposals.
 - H. The Selected Proposer shall employ a multi-disciplinary approach to balance (i) its experience in law enforcement and the training of law enforcement personnel; and (ii) its knowledge of how racial bias, both explicit and implicit, has historically shaped law enforcement's policies, procedures, and practices.
 - I. The Selected Proposer shall have the capability to conduct interviews remotely, if necessary, by secure audio-visual technology. Each Proposer shall indicate within its Proposal which audio-visual technology platform(s) it intends to use.
- 3.2 The City may make such inquiries it deems necessary to determine responsibility and the ability of each Proposer to perform the services contemplated by this RFP. Proposers shall

promptly furnish all information and data for this purpose as may be subsequently requested by the City.

SECTION 4: SCOPE OF SERVICES:

- 4.1 The Selected Proposer(s) shall be required to meet the following goals:
- A. Assess and monitor APD's internal operations, policies, procedures, and practices to detect the presence of implicit bias and systemic racial bias.
 - B. Collect and analyze data related to traffic stops, use of force, and other police officer/civilian interactions and determine the impact on Black members in the community.
 - C. Assess compliance with existing police reform policies initiated by APD and enacted by the Albany Common Council (e.g., body cameras, Right to Know Identification legislation, and Citizen Police Review Board).
 - D. Provide recommendations for reforms that eliminate racial and implicit biases in policing deployments, strategies, policies, procedures, and practices. Such recommendations must:
 - 1. Promote community engagement transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust; and
 - 2. Be guided by evidence-based best practices and community expectations.
- 4.2 The Selected Proposer(s) shall conduct the following activities:
- A. Review documents, including, but not limited to: (1) APD's general orders and field guidelines related to the priority areas described in Paragraph 4.3; (2) Strategic Planning Reports; and (3) Police Reform legislation passed by the Albany Common Council (e.g. body cameras, Right to Know Identification legislation, and Citizen Police Review Board).
 - B. Conduct interviews of the following personnel:
 - 1. City of Albany Mayor;
 - 2. City of Albany Police Chief;
 - 3. City of Albany Common Council Members (President, Public Safety Chair and Council Members who represent Wards predominantly populated by Black community members);
 - 4. City of Albany Citizen Police Review Board Chair;
 - 5. Albany Community Police Advisory Committee Chair,
 - 6. Dr. Alice Green, Center for Law and Justice;
 - 7. NAACP President;
 - 8. Members of the New York State Office of Court Administration; and

9. Additional community leaders/stakeholders.

C. Conduct data collection and analysis:

1. Collect and analyze data related to the priority areas listed in Paragraph 4.3;
2. Issue a preliminary written report with findings due no later than September 30, 2020;
3. Issue a final written report with recommendations due no later than November 1, 2020; and
4. Present findings and recommendations to the City of Albany Mayor and Common Council Leadership, with written materials to follow.

4.3 The Selected Proposer(s) shall focus on the following priority areas when achieving the goals listed in Paragraph 4.1 and conducting the activities listed in Paragraph 4.2:

- A. Deployments for quality of life complaints, code violations, and instances of violence;
- B. Traffic stops;
- C. The complaint process, internal and external;
- D. Use of force, deadly and non-deadly; and
- E. Community policing practices.

SECTION 5: TERM OF CONTRACT:

- 5.1 Please see the above time-frame for completion of the project found in Section 4.2 of this RFP.
- 5.2 The contract period for the service contemplated by this RFP will be one (1) year. The City reserves the right to extend the agreement for two (2) additional one-year periods, upon budget approval.
- 5.3 The Selected Proposer(s) will be required to execute a contract with the City. A sample City of Albany Professional Services Agreement is available upon request. The City will have the right to terminate the contract at any time, with or without cause, upon thirty (30) days written notice.

SECTION 6: COST PROPOSAL:

- 6.1 Please provide a Cost Proposal for providing all of the services referenced above.
- 6.2 Clearly set forth in detail any and all additional expenses for which you expect to be reimbursed. The proposal must, however, provide a guarantee that no additional fees will be charged to the City of Albany without prior written consent by the City.

SECTION 7: PROPOSAL EVALUATION:

- 7.1 Proposals shall remain valid until the execution of a contract by the City of Albany.

7.2 Proposals shall be examined and evaluated by the Corporation Counsel's Office and the Department of Planning and Development to determine whether each proposal meets the requirements of this RFP. A recommendation will be made to the Mayor for a contract award based on the following criteria:

- * Proposer's demonstrated capabilities, professional qualifications, and experience in providing racial bias audit services.
- * The wherewithal of the Proposer(s) to render the requested services to the City in a timely fashion.
- * Total proposed cost.
- * Completeness of the proposal.

7.3 The selection of a Proposal will not be based solely on a monetary evaluation. Considerable weight will be given to the experience in the areas required and the track record of the Proposer(s).

SECTION 8: ALTERNATIVES:

8.1 Proposals may include alternative matters or items not specified or requested in this RFP. However, all such alternatives matters or items must be listed separately from the Proposal and the cost(s) thereof must be separate and itemized.

SECTION 9: INDEMNIFICATION:

9.1 To the fullest extent permitted by law, the Selected Proposer shall indemnify, defend and hold harmless The City of Albany and its officers, boards, directors, employees and agents from and against any and all claims, damages, losses and expenses, including but not limited to attorney's fees, for any actual or alleged injury to any person or persons, including death, or damage to or destruction of property arising out of any act or omission on the part of the Selected Proposer, its employees, agents or subcontractors for any work or services performed on behalf of the City of Albany.

SECTION 10: SPECIFICATION CLARIFICATION:

10.1 All inquiries with respect to this Request for Proposals shall be in writing directed to the following address:

For project specific and procurement process clarifications:

Laura M. Gulfo, Esq.
Assistant Corporation Counsel
Department of Law
City Hall
24 Eagle Street, Room 106
Albany, New York 12207
Phone:(518) 434-5050
E-mail:lgulfo@albanyny.gov

- 10.2 All questions about the meaning or intent of the specifications shall be submitted in writing. Replies will be posted via the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Questions received less than four (4) business days prior to the date of submission of proposals will not be answered. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.
- 10.3 In addition, any changes, additions or deletions to this RFP will also be posted on the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Respondents are urged to check the City's website frequently for notices of any clarification of or changes, additions, or deletions to this RFP.

OTHER THAN THE CONTACT IDENTIFIED ABOVE, PROSPECTIVE RESPONDENTS SHALL NOT APPROACH THE CITY'S EMPLOYEES DURING THE RESTRICTED PERIOD OF THIS RFP PROCESS ABOUT ANY MATTERS RELATED TO THIS RFP OR ANY QUALIFICATIONS SUBMITTED PURSUANT THERETO.

SECTION 11: MODIFICATION AND WITHDRAWAL OF PROPOSALS:

- 11.1 Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.
- 11.2 If within twenty-four (24) hours after the proposals are opened, any proposer files a duly signed written notice with the City and promptly thereafter demonstrates to the reasonable satisfaction of the City that there was a material and substantial mistake in the preparation of its proposal, that proposer may withdraw its proposal and the proposal security will be returned. Thereafter, that proposer will be disqualified from further proposal on the work.

SECTION 12: INSURANCE AND SECURITY REQUIREMENTS:

- 12.1 The Selected Proposer will be required to procure and maintain at its own expense the following insurance coverage:
- (a) Workers' Compensation and Employer's Liability Insurance: Must show evidence of Worker's Compensation insurance at State statutory limits, a policy or policies providing

protection for employees in the event of job-related injuries. This insurance requirement shall only apply to a proposer who has employees;

- (b) Errors and Omissions/Professional Liability Insurance: A policy or policies of errors and omissions insurance with limits of one million dollars (00/100) (\$1,000,000) per occurrence and one million dollars (00/100) (\$1,000,000) in the aggregate; and
- (c) General Liability Insurance: A policy or policies of comprehensive general liability insurance with limits of at least one million dollars (\$1,000,000).

12.2 Each policy of insurance required shall be in form and content satisfactory to the Corporation Counsel, and shall provide that:

- (a) The City of Albany is named as an additional named insured on a **primary and non-contributing basis, with the exception of the Workers' Compensation and Professional Liability Insurance policies.**
- (b) The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the City of Albany Corporation Counsel's Office.
- (c) The insurance policies shall be automatically renewed upon expiration and continued in force unless the City of Albany Corporation Counsel's Office is given thirty (30) days written notice to the contrary.

12.3 No work pursuant to the resulting contract shall commence until the Selected Proposer(s) has/have delivered to the Corporation Counsel or her designee proof of issuance of all policies of insurance required by the Contract to be procured by the Selected Proposer(s). If at any time, any of said policies shall be or become unsatisfactory to the City, the Selected Proposer(s) shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the Selected Proposer(s) to furnish, deliver and maintain such insurance as above provided, the Agreement may, at the election of the City, be forthwith declared suspended, discontinued or terminated. Failure of the Selected Proposer(s) to procure and maintain any required insurance shall not relieve the Selected Proposer(s) from any liability under the Contract, nor shall the insurance requirements be constructed to conflict with the obligations of the Selected Proposer(s) concerning indemnification.

SECTION 13: NON-COLLUSIVE PROPOSAL CERTIFICATE AND ACKNOWLEDGMENT:

13.1 Each Proposer shall complete and submit with its, his, or her proposal the "Non-Collusive Proposal Certificate" and the "Acknowledgment" found on the two (2) pages which follow this page.

SECTION 14: PROCUREMENT FORMS AND REQUIREMENTS:

14.1 Additional requirements for this RFP are described below. Relevant statements, where required to be submitted, must be executed and included in the submission in the following

order: (1) Iran Divestment Act Statement; and (2) Non-Discrimination and Diversity Requirements.

- 14.2 Iran Divestment Act: By submission of a bid in response to this Bid request, *“each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.”* The list in question is maintained by the New York State Office of General Services. For further information and to view this list please go to: <https://ogs.ny.gov/system/files/documents/2019/09/IranDivestmentActListofEntities.pdf>. If in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to paragraph a of N.Y. General Municipal Law § 103-g on a case-by-case basis.

- 14.3 Non-Discrimination and Diversity Requirements: Pursuant to Federal laws and regulations, the New York State Executive Law Article 15-A and the City of Albany General Code Chapter 48, Article III Omnibus Human Rights Law, the City recognizes its obligation under the law to prevent discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency and to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of City contracts.

In furtherance of these rules and principles, the City of Albany highly encourages the participation of certified minority- and women-owned business enterprises (“MWBE”) at the City’s goal levels and the employment of minority groups’ members and women in the performance of its contracts. The City of Albany hereby notifies all Consultants submitting a proposal that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in consideration for award.

Further, by submission of a Proposal in response to this RFP, each Proposer and each person signing on behalf of any Proposer certifies, and in the case of a joint Proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that:

“The respondent/contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in the selection and retention of subcontractors, including procurements of

materials and leases of equipment. The respondent/contractor will not participate directly or indirectly in the discrimination prohibited by the federal, state and local laws and regulations, including employment practices. In all solicitations, either by competitive bidding, or negotiation made by the respondent/contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the respondent/contractor of the respondent/contractor's obligations under this Statement and the federal, state and local laws and regulations relative to Non-discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency."

- 14.4 When providing the services contemplated by this RFP, the entity must comply with section 42-161 of the City of Albany Code, which requires payment of a living wage to all its employees working on the service contract. This requirement shall only apply to a Proposer who has employees.

SECTION 15: SUBMISSION REQUIREMENTS:

- 15.1 All Proposers shall be required to submit a complete Proposal. As outlined in this RFP, all Proposals shall include the following:
- A) Statement of Qualifications as outlined in Section 3.
 - B) Cost Proposal as outlined in Section 6.
 - C) Proof of Insurance as required in Section 12.
 - D) Non-Collusive Proposal Certificate and Acknowledgment Form as outlined in Section 13.
 - E) An acknowledgment of understanding that by submitting a bid the proposer certifies under penalty of perjury the above Iran Divestment Act statement, as outlined in Section 14.2 and the Non-Discrimination and Diversity statement, as outlined in Section 14.3.
 - F) Living Wage Compliance Form, if applicable, as outlined in Section 14.4 and annexed to this RFP.
- 15.2 Failure to include all of the above items may result in the Proposal being considered nonresponsive.

NON-COLLUSIVE PROPOSAL CERTIFICATE
PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 103-D

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto, certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in the proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and
- (3) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(date)

(signature)

(name and title)

(name of firm)

ACKNOWLEDGMENT BY PROPOSER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2020, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she (or they severally) acknowledged to me that he/she (or they) executed the same.

Notary Public, State of _____

If Corporation:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2020, before me personally appeared _____ to me known, who, being by me sworn, did say that he/she resides at (give address) _____; that he/she is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

Notary Public, State of _____

If Partnership:

STATE OF _____)
COUNTY OF _____) SS.:

On this _____ day of _____, 2020, before me personally came _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of _____ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

Notary Public, State of _____

Living Wage Compliance

City Code § 42-161 requires a living wage be paid to employees by any contractors awarded a contract by the City primarily for furnishing services to or for the City (excluding the purchase of goods or other property, the leasing of property or the development, redevelopment or rehabilitation of real property) and that involves an expenditure by the City to the contractor of at least \$20,000, or the retention by the contractor of fees of at least \$30,000, during a period of one year.

The current Living Wage, as defined by the ordinance is as follows:

If at least 70% of health care benefits are covered by employer:	\$ 13.27
Other:	\$ 15.42

Pursuant to the law, every proposal shall include a written commitment by the applicant to pay all covered employees a living wage and shall include a list of job titles and wage levels of all covered employees. Please provide titles and wage levels below for each employee who directly expends his/her time on a contract with the City.

Company Name: _____

Job Title	Wage Range

By signing below you are agreeing to pay all covered employees a Living Wage as set forth above for the duration of the contract with the City.

Title: _____
Date: _____

Office Use Only	
Contract No:	
Dates:	



Final Report

RACIAL BIAS AUDIT OF THE ALBANY, NEW YORK POLICE DEPARTMENT

Zoë Thorkildsen, Bridgette Bryson, and William "Bill" Taylor



This document contains the best opinion of CNA at the time of issue.

Suggested citation:

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December 2020

Public Comment



Acknowledgements

CNA acknowledges the support and assistance we received from the City of Albany, the Albany Police Department, and community members and organizations in completing this report. The input, experiences, data, and resources we received were invaluable in compiling our findings and recommendations. In particular, we would like to thank: Mayor Kathy Sheehan, Chief of Police Eric Hawkins, Chief Auditor Dorsey Applers, all members of the Albany Police Reform and Reinvention Collaborative, community members who participated in interviews or sent input, Albany Police Department personnel who participated in interviews, and Commander Anthony Battuello, Lieutenant Joseph McDade, and Detective Sergeant Eric Zimmer who worked diligently to fulfill our data requests.



Executive Summary


Over the last decade, the Albany Police Department (APD) has pushed forward to engage the community in a positive manner, moving towards a mission that is focused on community policing practices. During this time, the Community Policing Review Board and the Common Council have recommended police reforms and legislation changes to further improve the police department, and they have called for change to address perceived disparate treatment of minority communities. Following recent high-profile events, including the First Street Incident and the shooting of Mr. Ellazar Williams, APD has struggled to improve their transparency and implement initiatives to increase community trust. Both of these incidents, along with the eruptions of public protests across the country, led the City of Albany to recognize the need for an evaluation of policy, procedures, and practices of the police department. In August of 2020, the City of Albany, through a competitive bid, selected CNA to conduct a racial bias audit of the APD.

The objectives of CNA's racial bias audit included:

- Assess and monitor APD's internal operations, policies, procedures, and practices to detect the presence of implicit bias and systemic racial bias.
- Collect and analyze data related to traffic stops, use of force, and other police officer/civilian interactions and determine the effect on Black community members.
- Assess compliance with existing police reform policies initiated by APD and enacted by the Albany Common Council (e.g., body-worn cameras (BWCs), Right to Know Identification Legislation, and Citizen Police Review Board).
- Provide actionable recommendations for reforms that eliminate racial and implicit biases in policing deployments, strategies, policies, procedures, and practices. Such recommendations must:
 - Promote community engagement, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust; and
 - Be guided by evidence-based best practices and community expectations.

Based on CNA's review of policy, procedures, and practices, as well as data provided by the APD, our key findings included:

- Improved data collection procedures for traffic stop data are needed.
- Prior to the deployment of BWCs to detective personnel and future units, BWC policy should be updated to reflect emerging best practices.
- Statistical differences by outcome are present in arrest data when comparing white people to people of color, further fueling community concerns about resisting arrest charges.

- 
- Black community members initiate the majority of external complaints and civil rights lawsuits filed.
 - APD personnel do not fully understand the complaints process and how or when possible disciplinary actions could take place.
 - The community complaints process is convoluted and poorly understood by community members, leading to mistrust and a lack of procedural justice.
 - Use of force policy should be updated and be more clear for officers to know when they can or cannot use various forms of force.
 - Annual reports detailing use of force incidents should be made publicly available to community members in the city.
 - APD's philosophy and culture have a strong focus on community policing practices, but this message needs to be reinforced to all personnel.
 - The structure of the Neighborhood Engagement Unit and School Resource Officers should be reviewed for efficiency and effectiveness.
 - APD's website could benefit from a modern reconstruction so that each embedded page is easily accessible and allows community members to find current information on the organization and projects they are working on.
 - The diversity of APD personnel does not reflect the racial makeup of the City of Albany.
 - Recruitment and hiring practices should be reviewed, and the department should begin releasing annual reports on this data.
 - The promotional process is of concern to personnel and should be tracked in a database, and the performance evaluation process should be standardized.
 - Annual reports of data designated in various General Orders should be completed and housed on the APD website for all community members to easily access.
 - APD participates in a long list of programs and should seek evaluations of these programs to determine their effectiveness and help allocate resources among the programs.
 - There are community concerns that past proposed reforms have not been implemented, along with concerns that officers do not live in the City of Albany.
 - Annual in-service training curriculum should be updated to include various topics, including but not limited to racial bias and cultural sensitivity training.
 - Training is not consistent across the department, and personnel feel they need more training to sufficiently do their jobs.

Over the next year, APD will work with the City of Albany and community leaders to understand, prioritize, and implement the recommendations proposed in this report, reflecting their dedication to improving community trust. We recommend that APD and the City of Albany seek an independent firm to help implement these recommendations and track APD's progress.

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Introduction

Over the last decade, the Albany Police Department (APD) has made strides to put community policing at the forefront of their practices. In 2015, the APD was chosen as one of the 15 cities that exemplified strong efforts in community policing practices under President Obama's 21st Century Policing Taskforce.¹ Though APD made efforts to improve community safety and quality of life in the city, community members and organizations also pushed for reform and changes in policy and practice. The Common Council proposed changes in legislation based on a proposal from the Community Policing Review Board, including enacting Right to Know legislation. The Center for Law and Justice developed many reports looking at the effectiveness of APD's community policing practices, response to high-profile incidents, and the path to reform and change. Despite APD's work on community policing and engagement, in August 2019, the Center released a report noting that community members do not have high levels of trust in APD nor do they believe APD is effectively practicing community policing. Only 15 percent of Black community members responding to the survey agreed that APD is trustworthy. Ongoing work by community groups and initiatives will continue to propel the city and the police department to make needed changes.

The APD employs 294 sworn personnel and 86 non-sworn personnel and serves a population of more than 96,000 residents as well as an increased population during working hours as well as nighttime entertainment venues.² The Chief of Police is responsible for all personnel, and the Deputy Chief of Operations is responsible for the Emergency Services Team, Crisis Management Team, and the Commanders. Underneath each Commander are various units and supervisors that the Command Staff oversee.³ The department has been taking active steps to increase their community partnerships and enhance trust in an effort to address challenges with race. As part of their participation in the national Safer Neighborhoods Through Precision Policing Initiative (SNPPI), APD implemented 36 of 38 of the recommendations relevant to municipal law enforcement in the *Final Report of the President's Task Force on 21st Century Policing*.⁴


In August of 2018, a police-involved shooting occurred involving Mr. Ellazar Williams. Mr. Williams was shot while fleeing police. During the investigation, conflicting reports about incident details led to community concerns about the incident and its investigation. In March of 2019, the APD was involved in a high-profile call for service, now known as the First Street Incident. Prior to this

¹ The full report on Albany's engagement with the Safer Neighborhoods through Precision Policing Initiative can be found APD's website: https://www.albanyny.gov/Libraries/APD/CNA-Albany_FastTrack_v4_PRINT.sflb.ashx

² Source for community statistic: U.S. Census population estimates for July 1, 2019, accessed via QuickFacts, available online: <https://www.census.gov/quickfacts/fact/table/albanycitynewyork/PST045219>.

³ For a full breakdown of each supervisor's responsibility, see General Order 1.1.05 *Organizational Chart & Command Structure*.

⁴ President's Task Force on 21st Century Policing. 2015. *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services.



incident, officers became aware of various complaints regarding an apartment on First Street but had not engaged in community-based problem-solving to address those issues. During a response at the address, APD officers kicked in the door of the apartment, and the incident escalated to include violent use of force. APD arrested one officer, took disciplinary action against eight officers after investigating the incident, including firing three involved officers. Both of these incidents, along with the eruptions of public protests across the country, have led the City of Albany to recognize the need for an evaluation of APD's policies, procedures, and practices. In August of 2020, the City of Albany, through a competitive bid, selected CNA to conduct a racial bias audit of the APD.

Goals and objectives


CNA's audit was designed to accomplish the following:

- Assess and monitor APD's internal operations, policies, procedures, and practices to detect the presence of implicit bias and systemic racial bias.
- Collect and analyze data related to traffic stops, use of force, and other police officer/civilian interactions and determine the effect on Black community members.
- Assess compliance with existing police reform policies initiated by APD and enacted by the Albany Common Council (e.g., body-worn cameras (BWCs), Right to Know Identification Legislation, and Citizen Police Review Board).
- Provide actionable recommendations for reforms to eliminate racial and implicit biases in policing deployments, strategies, policies, procedures, and practices. Such recommendations must:
 - Promote community engagement, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust; and
 - Be guided by evidence-based best practices and community expectations.

Audit areas of focus

The City of Albany's Office of Audit and Control initially identified five areas of assessment for the APD audit. They included deployment for quality of life complaints, code violations, and instances of violence; traffic stops; the complaint process (internal and external); use of force (deadly and non-deadly); and community policing practices. During our review, the audit team identified additional themes that emerged from interviews, policy reviews, and analysis of APD data sources. The report includes the following sections:

1. Patrol operations, deployments, and traffic stops
2. Complaints and civil rights lawsuits
3. Use of force

- 
4. Community policing
 5. Recruitment, hiring, and retention
 6. Oversight and accountability
 7. Training

Methodology and approach

The CNA audit team based its approach on a number of guiding principles, including the following: (1) evidence-based assistance with an emphasis on research, including both academic research and documented lessons learned and best practices from the field; (2) a multimethod assessment design, including interviews, policy and document review, and data analysis; and (3) a commitment to conducting a comprehensive review and applying best practices in police settings. CNA's methodology included three major components described below.

Document review


The audit team reviewed APD's General Orders (GOs) related to the areas of the assessment identified above. Out of the 131 GOs received from APD, our team reviewed 84 GOs: 35 were reviewed by two team members, and 49 were reviewed by one team member. In addition to GOs reviewed, we reviewed strategic planning reports and police reform legislation passed by the Albany Common Council (e.g., BWCs, Right to Know Identification Legislation, and Citizen Police Review Board proposals).⁵

Interviews

The audit team conducted 24 semi-structured interviews. Of those interviews, 12 were with APD personnel, 2 with former APD personnel, and 10 with community leaders and members. Organizations represented by community members included the Albany Community Police Advisory Committee, Community Police Review Board, New York State Office of Mental Health, Center for Law and Justice, Youth FX, Common Council, Red Bookshelf, Upstate New York Black Chamber of Commerce, and A Block at a Time. These interviews focused on gaining a better understanding of policing practices in Albany, as well as culture, leadership, and community policing approaches for APD.

Our interviews with APD personnel included command staff, supervisors, line-level officers, and non-sworn personnel, and they included recently promoted personnel, School Resources Officers (SROs), training unit personnel, Neighborhood Engagement Unit (NEU) personnel, anti-violence coordinators, and personnel from the Professional Standards Bureau. The personnel's time with APD

⁵ Appendix N includes a list of the specific General Orders and other documents the audit team reviewed.




ranged from less than 2 years to more than 8 years. The audit team also attended various Community Collaborative Working Group meetings, as well as one Community Police Review Board meeting.

Quantitative data

Our data analysis focused on six areas: calls for service, traffic stops, arrests, field interviews, community complaints and civil rights lawsuits, and department personnel. We analyzed data from 2015–2020 when possible. APD experienced a data loss affecting several internal databases, resulting in the loss of all records from 2018 related to use of force and complaints. For each of these data sources, we analyzed data from 2015, 2016, 2017, 2019, and 2020 year-to-date. The audit team conducted descriptive analysis of all datasets, supplementing with statistical comparison analysis such as chi-square tests and propensity score matching when appropriate. There were no data related to recruitment and hiring, so we were unable to conduct detailed analysis on those areas; instead, we conducted analysis on current personnel. The findings from our analyses complemented our reviews of the documents provided, including policies, proposed legislation, CPRB proposals, and civil rights lawsuits.

Overview of the report

This report contains seven sections. For each section, we discuss APD's policies and procedures in relation to the various topical areas: calls for service and deployments, traffic stops, patrol operations, the complaint process and civil rights lawsuits, use of force, community policing practices, recruitment, hiring, and retention, oversight and accountability, and training. In each section, we provide a summary of the overall themes we identified in our review, an overview of the data sources and analysis relevant to that topic, and the resulting findings and actionable recommendations for the APD.



Section 1: Patrol Operations, Deployments and Traffic Stops

The first section discusses our assessment of the various policies and procedures for patrol operations, including deployments for quality of life complaints, code violations, and instances of violence, as well as traffic stops. First, we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through interviews, document review, and data analysis, the audit team discovered the following key themes:

- Improved data collection procedures for traffic stop data are needed.
- Prior to the deployment of BWCs to detective personnel and future units, BWC policy should be updated to reflect emerging best practices.
- Statistical differences by outcome are present in arrest data when comparing white people to people of color, further fueling community concerns about resisting arrest charges.

Data and analysis

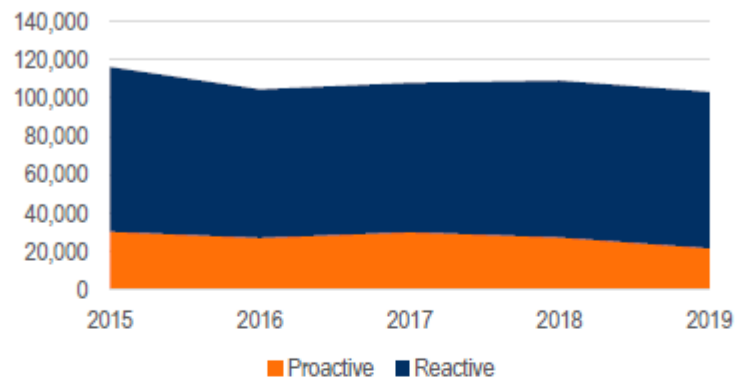
In preparing findings and recommendations for this topic, the audit team drew from data collected from interviews, a review of APD policies, and administrative data provided about calls for service, traffic stops, arrests, and field interviews.

Calls for service

Between 2015 and 2019, APD personnel responded to 540,845 proactive (officer-initiated) and reactive calls. Figure 1 illustrates the trend over time as well as the relative ratio of proactive and reactive calls. The number of calls has declined slightly over time, while the relative ratio remained generally steady until 2019, averaging 2.6 to 3.0 reactive calls per proactive calls from 2015–2018, but 3.7 reactive calls per proactive calls in 2019.



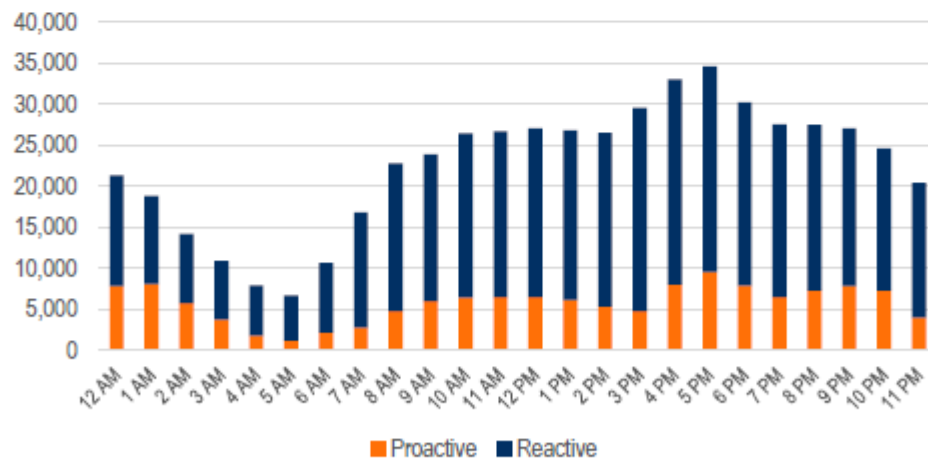
Figure 1. Calls over time



Source: Albany Police Department.

Figure 2 provides information about calls by time of day, broken out by proactive and reactive calls. As is typical in many law enforcement agencies, call volume peaks in the early evening and is at its lowest in the early morning hours.

Figure 2. Calls by time of day

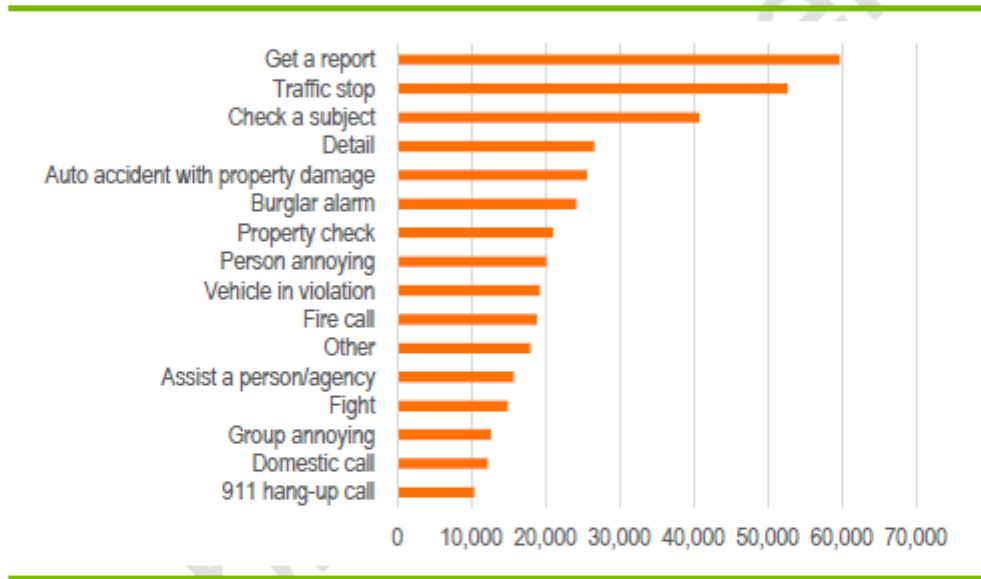


Source: Albany Police Department.



APD responded to 126 call types during the five years considered in this analysis. In Figure 3, we display the number of calls by type for call types with more than 10,000 incidents in that period.⁶ The most common call types include the following: getting a report, traffic stops, check on a subject, detail (an administrative code used when officers are engaging in tasks that will not involve contact with community members), and responding to auto accidents involving property damage. Of note, APD's "other" category for call types falls within these top 16 call types by volume.

Figure 3. Most frequent call types

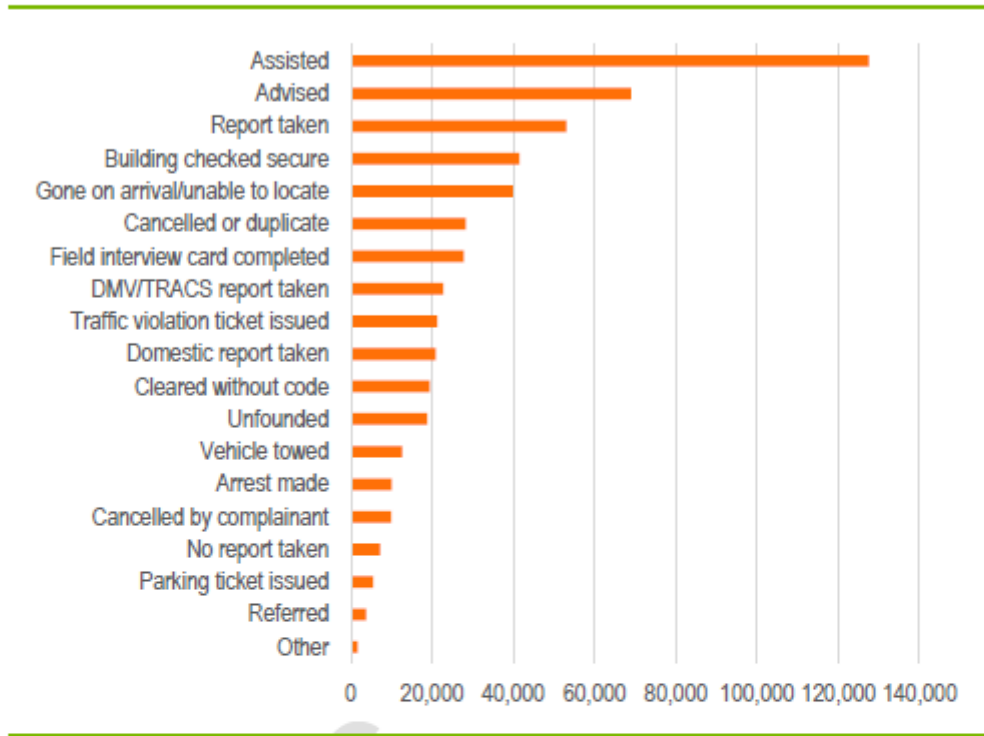


Source: Albany Police Department.

APD also tracks the disposition of calls using an internal system of numerical codes associated with definitions. For security reasons, we do not disclose numerical codes in this report, instead including only the definitions. For data visualization purposes, we group the least frequent disposition types as "other." These include juvenile contact card completed (843 calls), administrative and law enforcement sensitive (454), domestic arrest (398), supervisor requested (16), transport required (6), and domestic call type changes (5). The most common call dispositions include assisted and advised, followed by report taken, building checks, and gone on arrival outcomes.

⁶ The complete table of all call types and associated frequencies is available from the audit team upon request. Requests should be directed to the City Auditor's Office.

Figure 4. Call dispositions



Source: Albany Police Department.

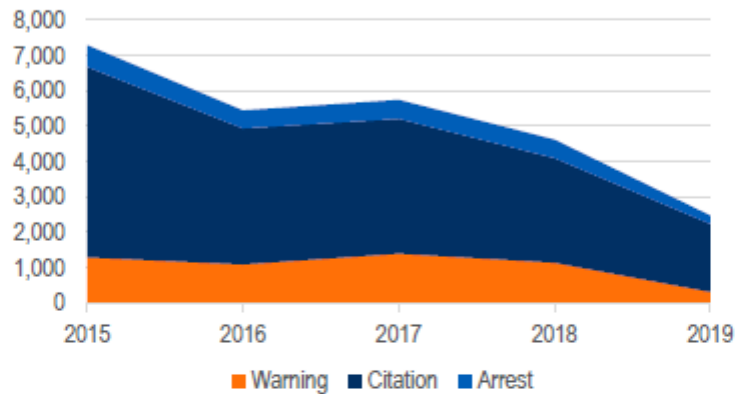
Traffic stops

APD provided data regarding traffic stops, which they catalog in three separate databases for stops resulting in field interview cards (warnings), stops resulting in citations, and stops resulting in arrests. Unfortunately, APD does not collect race data for stops resulting in citations because they use the New York State universal traffic ticket form, which does not include a field for race data. APD also does not geocode address data collected on their forms into latitude and longitude, so geographical analysis of stop locations is not possible. The audit team was therefore unable to conduct racial disparity analysis on traffic stop activity by APD. In our findings and recommendations below, we suggest that APD implement collection of race data in a consolidated traffic stop database so that this analysis can be conducted in the future. In this section, we provide information about characteristics of stops in general, and we break out stops ending in warnings and stops ending in arrests by race.

Figure 5 shows the total number of traffic stops annually over time, as well as the breakdown by traffic stop outcome. The number of traffic stops APD conducts annually has dropped dramatically in

the last five years, with 7,283 in 2015 compared with 2,469 in 2019. Over that period, the relative share of stops resulting in warnings, citations, and arrests has remained fairly steady, with a slight relative uptick of warnings compared to citations in 2017 and 2018. The majority of stops result in a citation, with 77.9 percent of stops resulting in a citation in 2019.

Figure 5. Traffic stops and outcomes over time

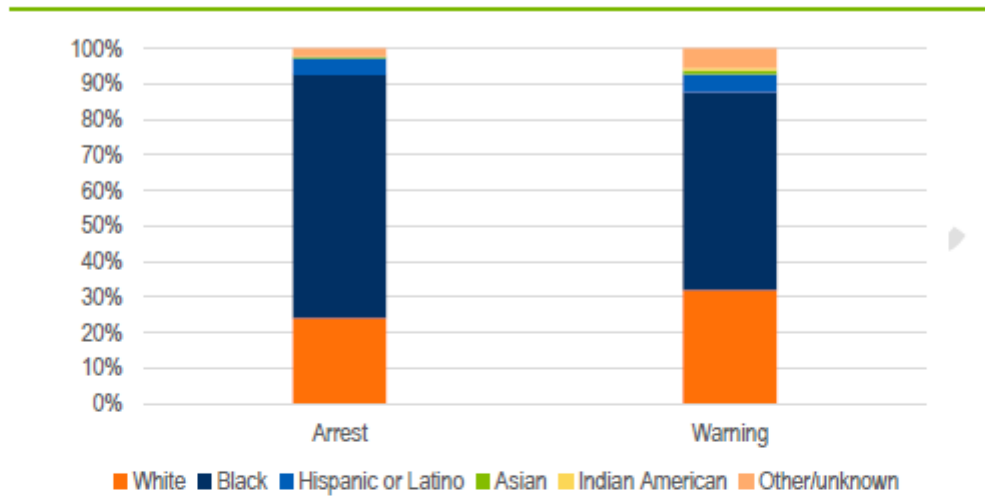


Source: Albany Police Department.

Figure 6 presents information about the race of the drivers involved in stops that ended in arrests or warnings. Black drivers are involved in stops ending in arrests relatively more frequently than they are involved in stops ending in warnings. Unfortunately, due to the lack of additional information in the traffic stop data, it is unknown whether this reflects differences in stop circumstances or results from biased practices.



Figure 6. Racial demographics for stops ending in arrests or warnings



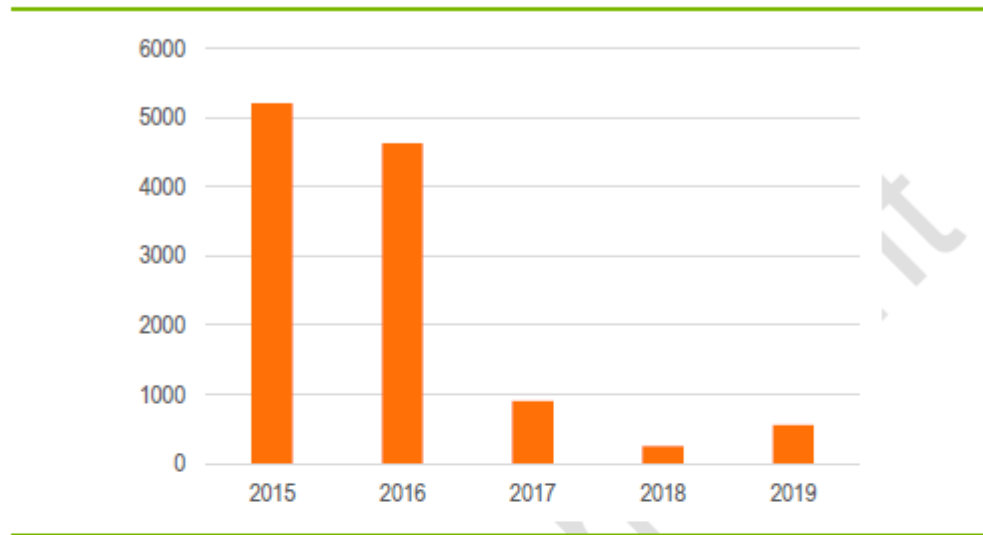
Source: Albany Police Department.

Arrests

The audit team reviewed arrests that occurred between 2015 and 2019 including the date of the arrest, race of the involved community member, and reason for the arrest. APD made 11,538 arrests during this time period. Figure 7 displays the trend in arrests over time. As with other measures of police activity the audit team reviewed, arrests have generally trended downward over the past five years.



Figure 7. Arrests over time

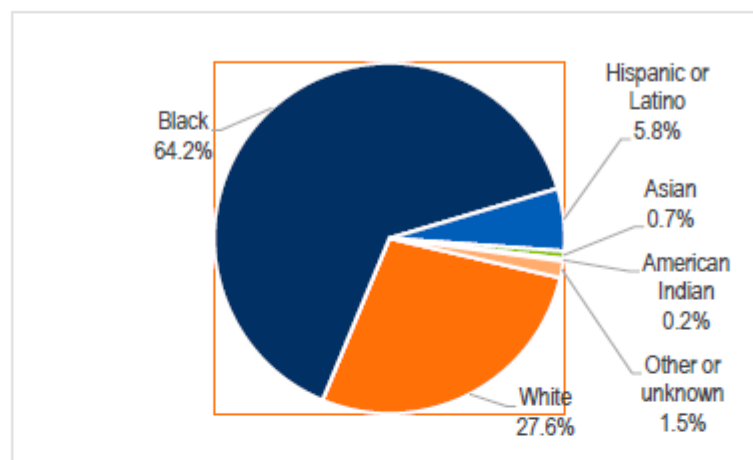


Source: Albany Police Department.

The audit team also analyzed the race of arrested individuals, displayed in Figure 8. The majority of arrests were of Black community members at 64.2 percent. Of the other arrests, 27.6 percent were of white community members, 5.8 percent were of Hispanic or Latino community members, and less than 2 percent each were of Asian, American Indian, and other or unknown race.



Figure 8. Racial demographics of all arrests

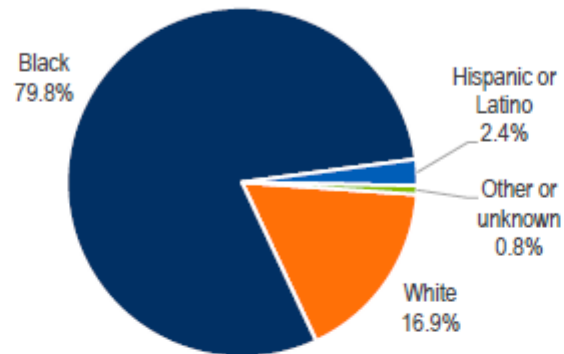


Source: Albany Police Department.

APD made arrests under 430 arrest categories during the period the audit team analyzed. The most common reasons for arrest included larceny (1,028 arrests), unlawful possession of drugs or alcohol (1,347), and assault with or without a weapon (598). During community interviews, the audit team was made aware of particular concerns regarding APD's use of the resisting arrest charge. APD made 124 arrests over the five-year period in that category. Figure 9 breaks down those arrests by race of the involved community member. Black community members are overrepresented in these arrests compared with all arrests. Without details about the circumstances of the arrests, we cannot say with certainty that this difference is entirely the result of race or bias, but these results are suggestive of those possibilities.



Figure 9. Racial demographics of arrests for resisting arrest



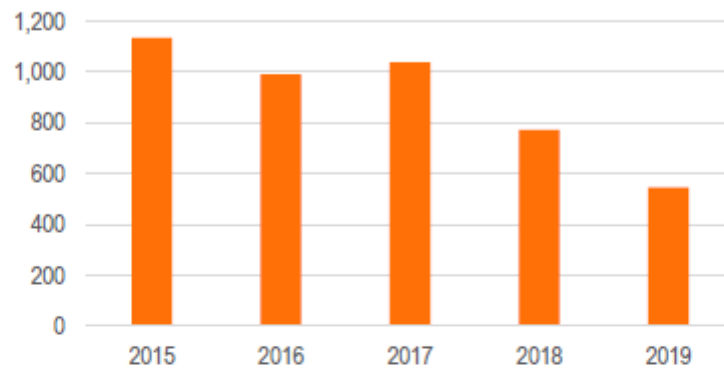
Source: Albany Police Department.

Field interviews

Between 2015 and 2019, APD personnel completed 4,480 field interview cards, documenting interactions with community members that did not result in an enforcement action. Field interviews, like traffic stops, have decreased over time, as shown in Figure 10.



Figure 10. Field interviews over time



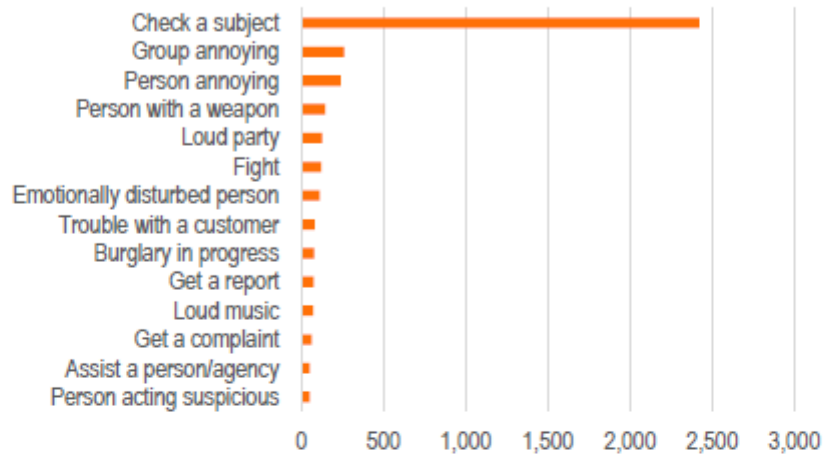
Source: Albany Police Department.

Figure 11 displays the call types associated with field interviews for call types occurring more than 50 times in the field interview data.⁷ The majority (54 percent) of field interviews were the result of calls to check a subject. The next most common type, group annoying, makes up only 5.8 percent of the field interviews.

⁷ The complete table of all call types and associated frequencies is available from the audit team upon request. Requests should be directed to the City Auditor's Office.



Figure 11. Field interview call types

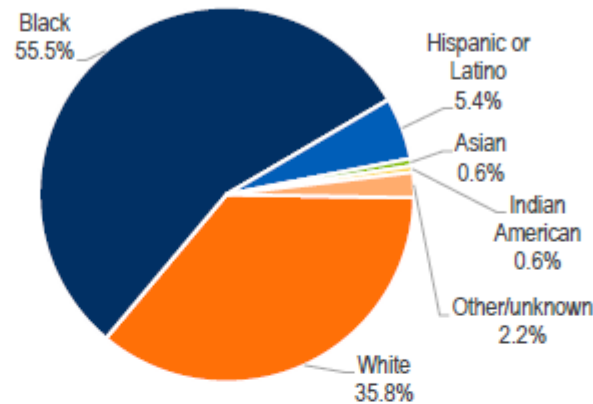


Source: Albany Police Department.

Figure 12 presents information about field interviews by the race of the involved community member. Field interviews involved Black community members the most, representing 55.5 percent of field interviews, with white community members being involved in 35.8 percent of field interviews.



Figure 12. Racial demographics of field interviews




Source: Albany Police Department.

Findings and recommendations

Finding 1: APD does not collect race data for all traffic stops and does not include variables beyond date, time, address, age, sex, and sometimes race in their traffic stop databases.

APD's current traffic stop data is broken out into three systems, which vary by what variables are collected. These three systems are associated with stops that end in field interview cards (i.e., warnings), stops that end in citations, and stops that end in arrests. Storing traffic stop information in multiple systems hampers consistent data collection and therefore analysis—particularly analysis of disparities in traffic stop activity. The variables collected in the dataset for stops that end in citations does not include race data, prohibiting a sophisticated analysis of racial demographics of traffic stops or racial disparities in traffic stop activity, as noted above. APD officers do collect information about driver race for stops that end in warnings or arrests. In the audit's team understanding, officers either record their perception of the driver's race or ask the driver to self-identify.

In addition, APD does not collect much information about traffic stop characteristics, which can be used to provide a clearer understanding of disparity in traffic stop activity. For example, if the reason for stop is documented, agencies can break out stops by race based on stop reason, allowing them to identify whether members of ethnic or racial minority groups are more frequently stopped for



certain violations. The inclusion of geographical data in the form of latitude and longitude facilitates analysis of where traffic stops are taking place and can reveal whether primarily-minority neighborhoods are experiencing higher volumes of stops. Finally, documenting search decisions can help agencies understand whether disparities by race are present in these decisions, which can undermine constitutional policing.

Recommendation 1.1: APD should revise their traffic stop data collection protocols to achieve the following objectives:

- Consolidate all traffic stops into a single data system
- Collect driver race data for all traffic stops, as it is collected for stops ending in warnings and arrests
- Record stop start and end time
- Record stop latitude and longitude
- Record the reason for the stop in a closed response (dropdown menu) format
- Record the reason for the citation or the arrest, as applicable, in a closed response (dropdown or checkbox menu) format
- Record whether a search was performed during the stop, the type of search (e.g., consent search, search incident to arrest, search under plain view doctrine, inventory search during vehicle impoundment), and whether a seizure resulted from the search


Finding 2: APD's traffic stop activity has decreased substantially in the last five years.

APD has seen a marked decline in traffic stop activity over the last five years, with traffic stops in 2019 being less than half the volume of stops completed in 2015. During interviews, the audit team heard that patrol officers rarely engage in traffic stops, seeing them primarily as the responsibility of the specialty traffic unit. Agencies also can experience decreases in traffic stop volume when officers are less inclined or motivated to engage in proactive policing practices. Traffic safety is an important issue to many communities, and neighborhoods and community groups often value traffic enforcement as a way of keeping their children and communities safe. Additionally, as APD is aware, there is a nexus between traffic enforcement and crime reduction, as hypothesized and evaluated in the Data-Driven Approaches to Crime and Traffic Safety model.

Recommendation 2.1: APD should assess why traffic stop activity has decreased by more than half in the past five years and ensure the department is being responsive to community concerns about traffic safety and enforcement.

Finding 3: The majority of APD traffic stops result in a citation.

Most traffic stops APD officers conduct result in a citation, as opposed to a warning (or in rare cases, an arrest). More than 75 percent of stops in 2019 ended in a citation. High citation rates can be detrimental to police relationships with the community because they erode trust, lead to feelings of



persecution, and have immediate and lingering financial impacts. For individuals who must maintain clean driving records for their employment, tickets can even threaten community members' livelihoods. Citations are often perceived as a revenue generating mechanism for local government (rightfully or wrongly), further reducing their legitimacy in the eyes of the community. Many agencies nationwide are now encouraging officers to view traffic stops as an educational opportunity and a chance for positive community engagement. In these initiatives, officers are encouraged to provide warnings for all non-egregious offenses, provide informational material if available, develop programs to defer tickets for vehicle repair-related stops, and take time during traffic stops to connect with community members and engage in positive community interactions.

Recommendation 3.1: APD should review traffic stop policies and procedures and assess implementing an education-based approach to traffic enforcement that emphasizes warnings over citations.

Finding 4: APD's "other" call type category represents a substantial number of calls, and APD has 48 categories with fewer than 100 calls over five years.


In the audit team's analysis of proactive and reactive calls, we noted that APD uses an "other" call type category with high frequency. This call type was used 17,997 times, representing 3.3 percent of all calls, and it was the 11th most frequently used category. The use of an "other" category for such a high volume of calls diminishes transparency and can result in community mistrust of police activity and data practices, as noted in meetings of the Albany Police Reform and Reinvention Collaborative. It also hinders call data analysis since it is unknown whether these calls are generally similar or represent a diverse set of responses. In counterpoint, APD also maintains 48 call type categories that, on average, are used less than 20 times a year, including 27 categories that are used, on average, once or less per year. Based on a review of these categories, some appear to be codes used for administrative purposes that could potentially be combined, others seem able to be folded into other code categories, and some could reasonably be included in the "other" category.

Recommendation 4.1: APD should analyze calls categorized under the "other" category and determine whether these calls should have been included in existing categories and whether additional categories are needed to capture information from these calls.

Recommendation 4.2: APD should consider whether relatively low use call types (representing less than 20 calls per year on average) could be consolidated with other call types, such as the "other" category.

Finding 5: Community members have concerns about disparate arrests for quality of life issues and resisting arrest charges.

Although the data provided by APD does not allow the audit team to conclude whether there are disparate arrests for quality of life issues in white communities versus minority communities, we determined through our interviews that this is a common concern in the community. Quality of life concerns should be treated equally across all neighborhoods in the city, and the department should



take action to ensure that quality of life charges are not being levied disproportionately in minority neighborhoods or against members of racial or ethnic minority groups.

During the audit team's interviews with community members, one recurring theme was concern about APD's use of resisting arrest allegations. Specifically, community members expressed concerns that these charges were made during incidents in which no arrest was taking place, and they expressed confusion about how such a charge could apply if not during the course of an arrest. Community members were concerned that this charge is being used to target minority community members during inapplicable incidents. In the audit team's analysis of reasons for arrest, we were able to verify that Black community members are represented disproportionately in arrests for resisting arrest, compared with overall arrests. We cannot state with certainty that this disparity is entirely due to bias, but it is suggestive and warrants further investigation.

Recommendation 5.1: APD should review all incidents involving resisting arrest charges or allegations, including a thorough review of body-worn camera footage, with particular attention to potential racial disparities. If necessary, APD should issue additional guidance and training about the use of the resisting arrest charge to ensure it is being used correctly.

Recommendation 5.2: APD should review procedures on quality of life issues and ensure that no disparate actions are being taken against minority communities.

Finding 6: Patrol officers are aware of policy related to high-risk stops (stops in which the officer knows or reasonably believes the driver or other vehicle occupants are armed and dangerous); however, some lack experience in these particular events.

APD's policy on high-risk events is very thorough and clear. Through interviews, we learned that some officers are not as fluent in this process as others are. In particular, interviewees noted that some officers do not know the protocol for handling high-risk stops and could benefit from more training and learning opportunities in this area. Handling high-risk stops properly is important to de-escalate situations that could arise and therefore increase the trust that the community has in the police department.

Recommendation 6.1: APD should have patrol supervisors discuss high-risk stops on a regular basis at roll call to ensure that new and veteran officers are consistently receiving a refresher on protocol.

Finding 7: APD conducts evaluations when their Emergency Services Team (EST) is deployed.

In Section X.A.5.a of General Order 3.9.15 *Special Operations: Emergency Services Team*, policy states that an After-Action Review is to be completed within 48 hours of an Emergency Service Team's activation. According to policy, an EST member completes this review immediately after the activation. An evaluation of the activation is important; however, some situations may call for someone other than a member of the team evaluating the operation.

Recommendation 7.1: APD should implement a system in which larger and more high-profile operations are evaluated by an outside evaluator who did not participate in the operation.

Finding 8: APD has fully deployed BWCs to patrol personnel and is in the process of deploying BWCs to detective personnel.

BWCs are an essential tool in policing across our nation, especially regarding critical incidents. With this technology, departments are able to bridge gaps with the community, hold officers accountable, detail training curriculum with scenario-based training, and much more. Recently, there has been an emerging trend across the country to outfit all patrol and detective personnel with BWCs.

Having been selected as one of the inaugural departments to receive funding to implement BWCs under the BJA Policy and Implementation Program, Albany received \$133,305 in 2015 to purchase 215 BWCs. As of October 2020, all patrol and traffic safety officers in APD, including NEU officers, are trained in the use of BWCs and activate their BWCs on all calls for service and self-initiated citizen engagement. Additionally, APD requires BWC activation when in emergency vehicle operation mode (colloquially, "running lights and sirens"), when engaged in a pursuit or transport, during all enforcement activities, when administering field sobriety tests, and at the discretion of the officer or supervisor (unless otherwise unlawful).

APD has been planning to implement BWCs for all detective personnel and anticipates rolling out training for these personnel before the end of 2020.

Recommendation 8.1: APD should continue its practices related to BWC use and activation for patrol and traffic safety personnel.

Recommendation 8.2: APD should roll out BWCs in the detective unit as efficiently and expeditiously as possible.

Finding 9: No policy guidance covers how officers are to use the live stream feature on their BWCs.


The Axon View live streaming feature is a fairly new feature for BWCs. This view can be used in group gatherings and events to film the entire operation while also giving supervisors the ability to view the video in real time. It is important that policy clearly states when this feature will be used.

Recommendation 9.1: APD should clearly state in General Order 3.2.15 *Body Worn Cameras* how and when the Axon View should be used for live streaming purposes.

Finding 10: APD BWC policy lacks established compliance and auditing procedures.

In Section I.E.3 of General Order 3.2.15 *Body Worn Cameras*, policy states that there are different levels of random review for sergeants and lieutenants. There is a strong argument for randomized reviews of videos every month to ensure that supervisors do not regularly choose the same type of videos to review (e.g., the shortest videos, incidents known to have straightforward outcomes). It is also important that the system of the review process for each supervisor be properly documented.

During supervisor's monthly reviews, it is important that supervisors conduct a high-level review to ensure that all videos have been properly tagged. In section III.H of General Order 3.2.15 *Body Worn Cameras*, policy states that recordings captured on BWCs and uploaded to the BWC server shall be



tagged in the most appropriate category listed; however, no timeframe is designated for when officers should complete this task. Interviewed personnel expressed that supervisors send out an email to remind officers to finish tagging videos; however a specific timeframe should be designated in policy.

Recommendation 10.1: The supervisory review of BWC footage should be a randomized process in which the supervisors are given the exact videos they are to review.

Recommendation 10.2: APD should consider adding language to their BWC policy stating that officers are to tag their videos immediately after a call before moving on to a future call.

Finding 11: Towing and removing vehicles in the City that are abandoned are the sole responsibilities of a small unit.

In Section I.D of General Order 3.4.30 *Vehicle Towing Procedures*, policy states that the removal of abandoned/junk vehicles shall typically be the responsibility of the NEU beat officer. The NEU unit's main duties should align with community policing practices and be centered on engagement within their specific beats. The unit is very small, especially with recent restructuring, and they need to be able to devote their entire shifts to improving and enhancing community engagement. Because the unit is small and focused on aligning with community policing and enhancing community interactions, this responsibility should not fall on NEU beat officers.

Recommendation 11.1: APD should consider shifting duties to the traffic unit for the removal of abandoned/junk vehicles to ensure more time for the NEU beat officers to engage with their community.



Section 2: Complaints and Civil Rights Lawsuits

The second section discusses our assessment of the various policies and procedures for complaints, both external and internal, as well as civil rights lawsuits filed against APD personnel. First, we discuss the data we reviewed and our subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:


- Black community members initiate the majority of external complaints and civil rights lawsuits filed.
- Personnel do not fully understand the complaints process or how or when possible disciplinary actions could take place.
- The community complaints process is convoluted and poorly understood by community members, leading to mistrust and a lack of procedural justice.

Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews, a review of APD policies, and administrative data provided about community complaints, as well as data about civil rights lawsuits filed regarding APD actions.

Community complaints

The Community Police Review Board (CPRB), formally known as the Citizen's Police Review Board, was established in 2000 and was designed to bridge a gap between the community members of Albany and the Police Department. The board consists of nine members, appointed by the Mayor and the Common Council. The CPRB plays an essential role in review of the complaints received by the Office of Professional Standards (OPS) at APD. Before the CPRB receives the complaint to begin the review process, OPS assigns a complaint number and conducts their review. At that point, OPS hands off the complaint information to the Government Law Center at Albany Law School (GLC), which handles administrative work for the CPRB. The CPRB reviews the complaint and in some instances will assign a monitor to review the complaint if it involves allegations of civil rights violations or other serious misconduct. The assigned monitor, if one is chosen, conducts their review to evaluate if the OPS review was thorough, accurate, and fair. Upon completion of these processes, the GLC notifies the complainant to invite them to the public forum where the CPRB publicly presents the complaint and their findings.



The audit team reviewed data about complaints from community members submitted to APD between 2015 and October 2020, omitting 2018 because of the previously mentioned data loss APD experienced. Over that period, APD received 152 individual complaints, which included 631 separate allegations of misconduct by individual community members.⁸ Each individual complaint case can potentially include multiple officers, multiple community members, and multiple allegations against each officer from multiple community members.

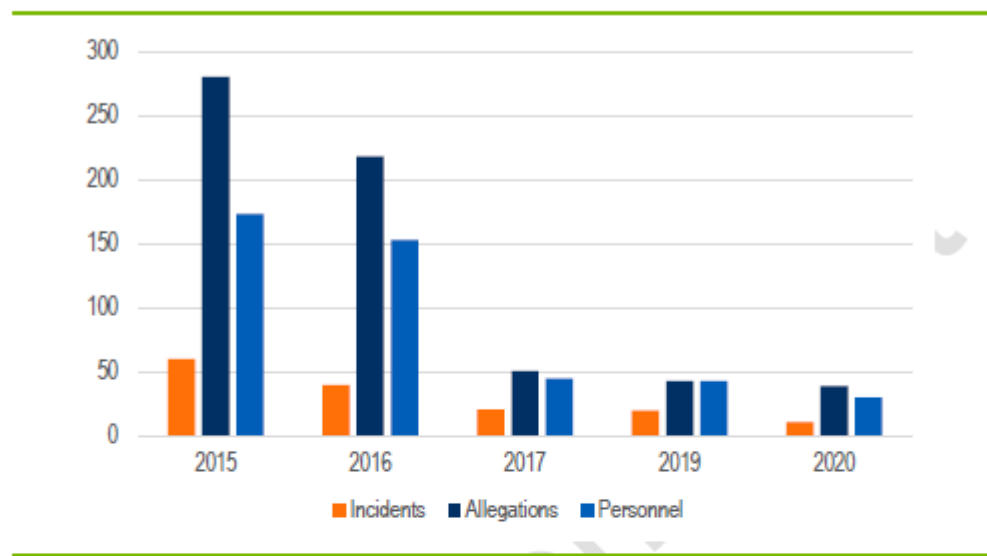
These complaints included 444 unique combinations of incident and involved officer and 177 unique combinations of incident and community member. Put another way, each individual complaint included, on average, allegations against 2.9 officers and 1.2 community member complainants. Based on combined first and last names, 203 unique officers received complaints in this time period, with 114 receiving multiple complaints, and 5 having more than five complaints over the time period. Based on combined first and last names, 159 identified community members submitted complaints (four complaints were submitted anonymously), and 9 submitted more than one complaint.

As shown in Figure 13, complaints have decreased over time. In addition, the average number of allegations included in an individual complaint has decreased; this ratio was highest in 2016 at 5.5 allegations per complaint and lowest in 2019 at 2.2 allegations per complaint. Year-to-date in 2020, the average number of allegations per complaint is 3.5. In APD's complaint process, community members submit complaints, and APD determines the number of explicitly stated and implied allegations present in the complaint narrative.

⁸ If multiple community members made the same allegation, that allegations would be double counted in this total because of the structure of APD's complaint data.



Figure 13. Complaints, allegations, and involved officers over time

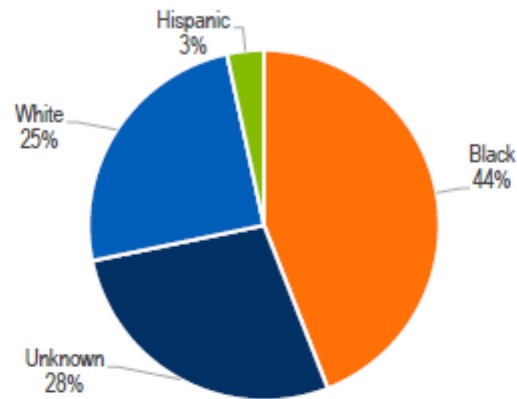


Source: Albany Police Department.

As shown in Figure 14, the plurality of complaints involved Black complainants. However, 28 percent of complainants did not provide race data.



Figure 14. Complainant race and ethnicity distribution

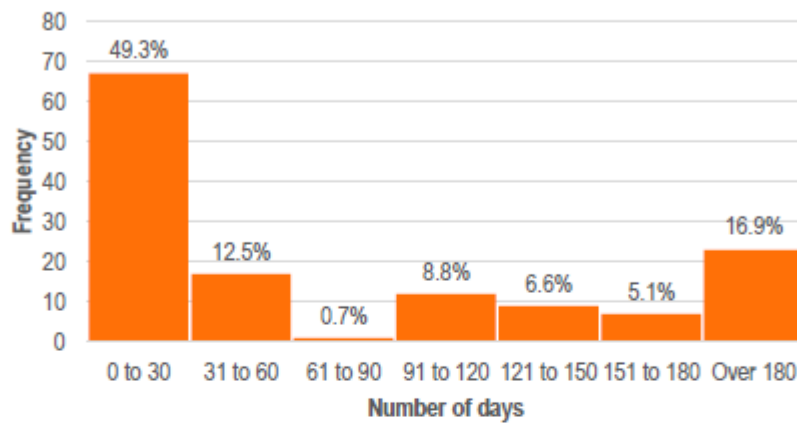


Source: Albany Police Department.

Figure 15 indicates the length of time from complaint intake to final disposition. This analysis is based on the 136 incidents with dispositions as of October 2020. Nearly half of complaints were closed within 30 days. These 66 cases included 120 allegations. Of those allegations, the most common outcomes were office cases, no finding, and satisfied. Forty-one were closed as office cases, meaning that an APD supervisor was notified of a complaint, but the community member never submitted the complaint form to allow for an investigation. Twenty-seven allegations were closed as no finding. No finding outcomes have four possible underlying causes: (1) the complainant fails to produce additional required information, (2) the complaint is redirected to another agency, (3) the complainant is unavailable for necessary clarifications, or (4) the officer is no longer employed with APD. Another 18 allegations were closed as satisfied, meaning that the complainant indicated that having reported the complaint to the supervisor, they did not desire any further action beyond a supervisory conversation with the employee.



Figure 15. Number of days to complaint disposition



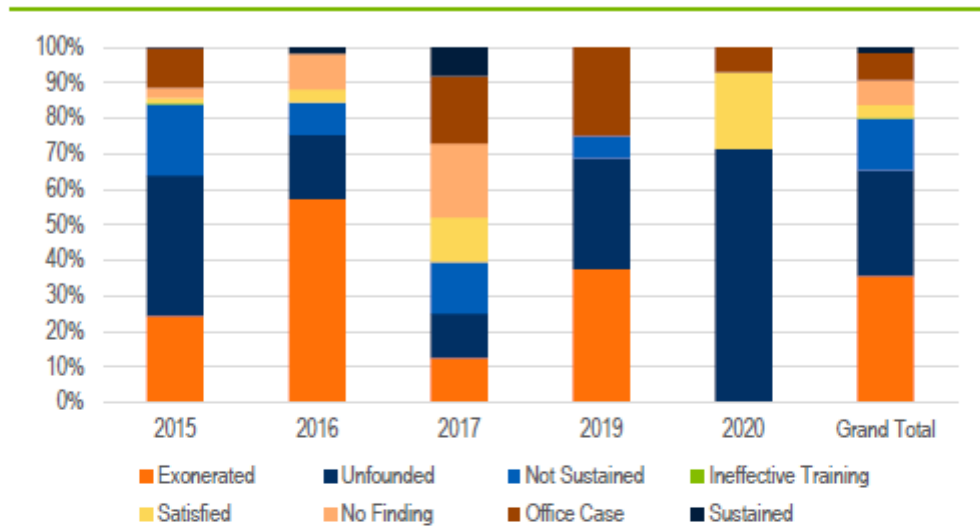
Source: Albany Police Department.

In Figure 16, we present the disposition of allegations over time for the 576 allegations with dispositions by October 2020.⁹ We found no obvious time trends or patterns in outcomes from complaint allegations over time.

⁹ For the purposes of Figure 16, to condense infrequently used categories, we combined mediation (N=1) with satisfied, violation of policy (N=4) with sustained, and within policy (N=6) with exonerated.



Figure 16. Allegation dispositions over time



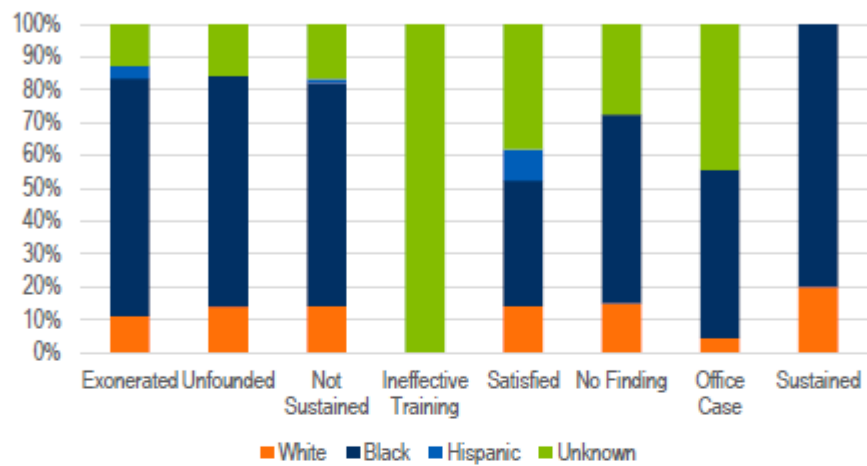
Source: Albany Police Department.

The audit team also considered the interaction between race of the complainant and allegation dispositions. To provide a clearer picture of the ratio between outcomes for complainants of known race or ethnicity, Figure 17 presents the breakdown of allegation dispositions by the race of the complainant including cases in which the complainant race is unknown; Figure 18 presents this information excluding cases in which complainant race is unknown. When comparing outcomes specifically for white complainants versus Black complainants (which can be most clearly seen in Figure 18), there do not appear to be systematic differences in outcome by race. Statistical testing of outcomes for white versus Black complainants supports this, finding no statistically significant difference in the distribution of allegation outcomes between those race categories (Fisher's exact test, $p = 0.598$; Pearson's chi-square test, $p = 0.709$).¹⁰

¹⁰ Fisher's exact test is more appropriate in this case because of the small N present in conditions; however, it is typical to also present the results from the chi-square analysis for comparison.

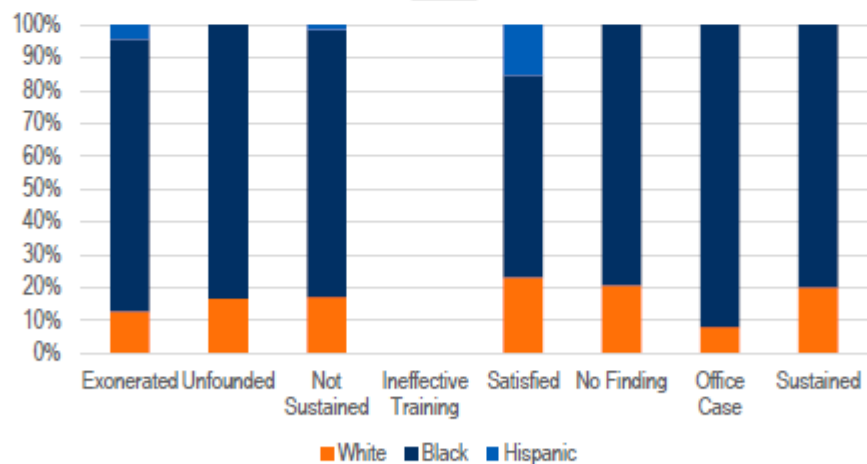


Figure 17. Complaint allegation dispositions by race, including unknown



Source: Albany Police Department.

Figure 18. Complaint allegations by race, excluding unknown



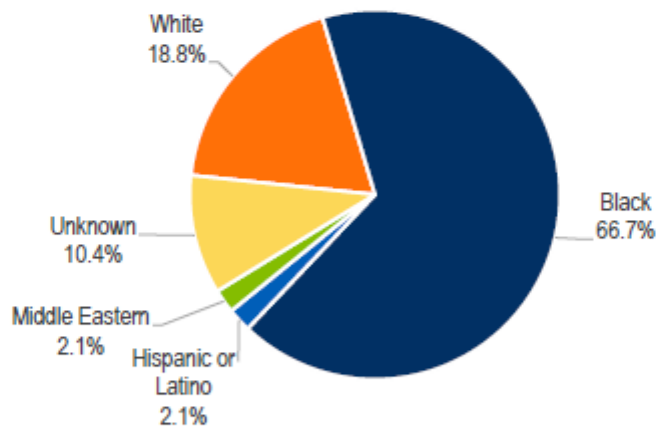
Source: Albany Police Department.

Civil rights lawsuits

The audit team reviewed data about the 48 lawsuits filed against the City regarding alleged civil rights violations by APD that had activity between 2015 and October of 2020. These included lawsuits with filing dates ranging from 2013 to 2020. Within the scope of the audit, our team did not review the legal details of these cases, nor did we attempt to characterize the allegations in terms of legal grounds or severity. It is important to understand our analysis in that context, since patterns in timelines to conclusion, case outcomes, and settlement amounts are influenced by legal and extralegal factors not included in the scope of this audit.

As shown in Figure 19, the majority of civil rights lawsuits involving APD were filed by Black complainants, representing 66.7 percent of cases. White complainants represented 18.8 percent of cases, with 10.4 percent of cases having complainants of unknown race or ethnicity, and 2.1 percent each involving Middle Eastern or Hispanic or Latino complainants.

Figure 19. Race of complainant in civil rights lawsuits involving APD

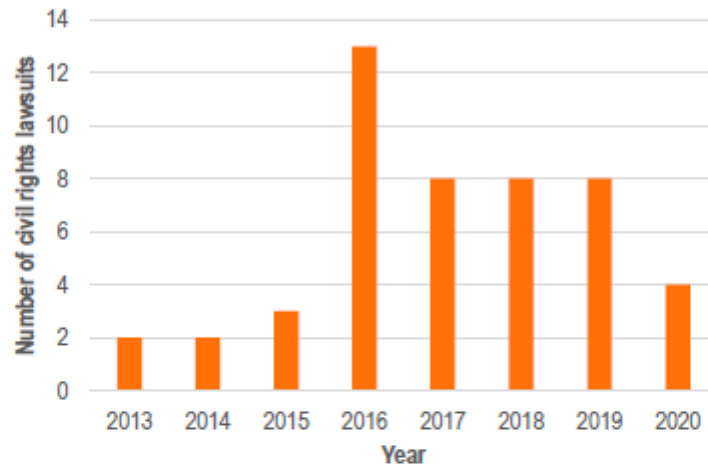


Source: City of Albany.

In Figure 20, we describe the number of civil rights lawsuits over time. We include four lawsuits from 2013 and 2014 in our data because they had actions in the analyzed timeframe ranging from 2015 to October 2020; we do not include those in Figure 20 because those totals do not represent the entire number of lawsuits in those years. Within the past five years, the highest number of suits occurred in 2016, totaling 13 lawsuits. In reviewing details of the cases in that year, we found that four suits were

filed against the same APD officer in that year, related to four separate incidents. That officer is no longer employed with APD, based on the personnel data they provided.

Figure 20. Civil rights lawsuits involving APD filed over time

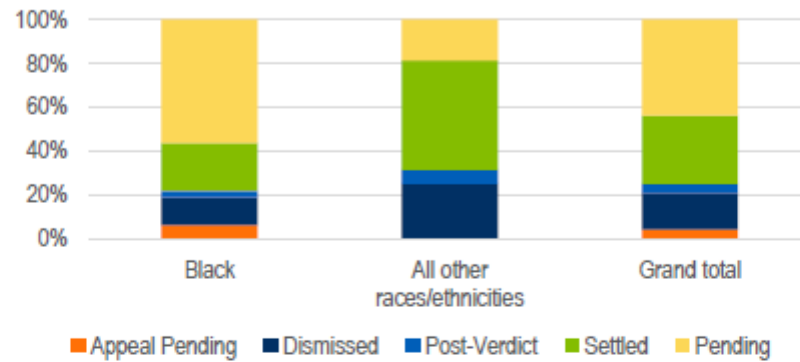


Source: City of Albany.

Figure 21 and Figure 22 describe outcomes from the lawsuits broken out by those involving Black complainants versus those involving complainants of other races or ethnicities. We consider just these two categories since the total number of suits involving any other single racial designation is so small. We caution that these figures do not consider the totality of circumstances associated with the lawsuits; therefore, other aspects of the cases could explain the patterns present. When considering the race of the complainant alone, we found that more cases remain in pending status for Black complainants. The filing dates for these cases range from October of 2016 through August of 2020 and include three outstanding cases from 2016, five from 2017, four from 2018, and nine from 2019 and 2020 combined. When considering only cases with final dispositions, as in Figure 22, we found that a somewhat smaller percent of cases with Black complainants were settled. However, because of the small number of cases included in this analysis (21 cases of the 48 analyzed had achieved final dispositions), we are unable to determine whether this difference is statistically significant.

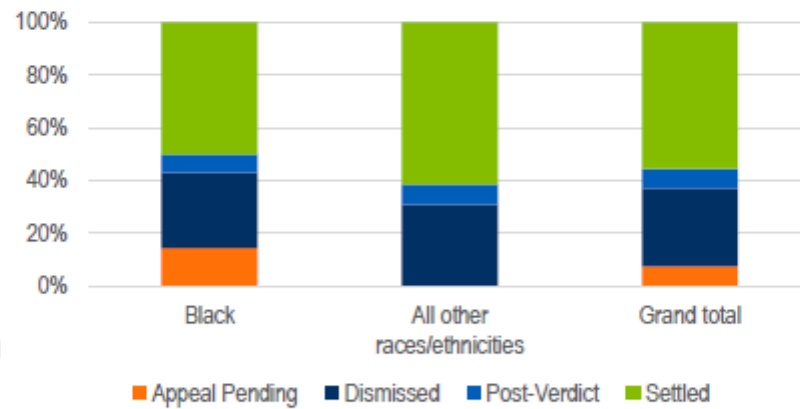


Figure 21. Lawsuit outcomes by race of complainant, including pending outcomes



Source: City of Albany.

Figure 22. Lawsuit outcomes by race of complainant, completed lawsuits



Source: City of Albany.

When considering those lawsuits that ended in settlements, the average settlement amount is considerably higher for Black complainants than those of other races and ethnicities, as shown in Table 1.

Table 1. Average civil rights lawsuits settlement amounts by race of complainant

Race/ethnicity of complainant	Average settlement
Black	\$129,500
White	\$6,800
Hispanic	\$7,500
Unknown	\$4,500
Overall	\$63,800

Source: City of Albany.

Findings and recommendations

Finding 12: APD personnel do not have a clear understanding of the complaint process.


During interviews, officers expressed a lack of clear understanding of the APD complaint process as described in General Order 2.4.05 *Office of Professional Standards: Complaint Procedures*. Many officers believed it was possible for complaints to be logged against them without them being notified. In section II of the General Order, it states that the department should issue a written statement of the allegations; however, officers are unsure whether and when they will be notified of a complaint against them. Officers also must know how they are to deliver their report when making an internal complaint within their chain of command. Policy within General Order 2.2.15 *Harassment in the Workplace* states that they are encouraged and justified to deliver this report to the Office of the Chief of Police, but then it later states that they should give the report to the Office of Professional Standards.

Recommendation 12.1: APD should clearly define the process of informing department employees of complaints against them and their required actions and associated rights.

Recommendation 12.2: APD should clearly define the process for officers to deliver internal complaints when the complaint is within their chain of command.

Finding 13: APD would benefit from including additional fields in their complaint database to facilitate more sophisticated analysis of the complaint process and outcomes and allow the identification of potential disparities in complaint adjudication.

The current APD complaint database includes information such as the officer involved in the complaint, the community member submitting the complaint, demographics about that community member, a complaint narrative, a complaint disposition, and a timeline. However, it does not include notation of the type of allegation, the severity of the allegation, and the specific corrective action taken with the involved officer for sustained complaints and others resulting in corrective actions. By including these fields, APD would be better able to understand whether certain allegation types and allegations by severity are being handled consistently, especially in relation to the race of the complainant. These data would enable comparisons of similar complaints involving white or Black



community members to identify whether disparities are present in the disposition. They would also enable comparisons of corrective actions for similar complaints to identify disparities in the disciplinary process for officers in the complaint process.

Recommendation 13.1: APD should add a field in the complaint database to indicate the allegation type, severity, and specific corrective action taken in response to sustained complaint allegations.

Finding 14: APD's policy on the investigation of complaints does not include definitions for "office case" and "satisfied" outcomes.

General Order 2.4.05 *Office of Professional Standards: Complaint Procedures* includes definitions for outcomes of complaint investigations, including the outcomes of exonerated, unfounded, not sustained, ineffective policy or training, sustained, no finding, and mediated. However, APD now also uses two additional outcomes: office case and satisfied. These options are not defined in policy.

Recommendation 14.1: APD should revise General Order 2.4.05 to include definitions for the office case and satisfied outcomes.


Finding 15: APD's policies for discipline are clearly described in its General Orders, include detailed processes and procedures, and include non-punitive options, progressive disciplinary consequences, and an appeals process. However, APD does not include a disciplinary matrix in the policy.

General Order 2.2.20 *Disciplinary Procedures* establishes clear policy and guidance about non-punitive and punitive disciplinary options and procedures in APD. The specific non-punitive options include counseling (oral or written) and training, while punitive options include oral reprimand/warning, written reprimand/warning, loss of leave credits, suspension without pay, demotion, and dismissal. APD's policy clearly delineates an expectation that discipline should proceed in a progressive manner starting with oral reprimand and in accordance with the current Collective Bargaining Agreement.

A discipline matrix is a table outlining types of misconduct that warrant discipline, the default action to be taken for that misconduct, with noted adjustments based on the officer's previous disciplinary incidents. The matrix is intended to reduce disparities in the application of discipline and improve transparency in the disciplinary process by establishing clear expectations. The use of a discipline matrix can support internal procedural justice in police agencies. It can also provide a benchmark for comparing actual discipline decisions, which can assist in identifying potential disparities based on ethnicity, race, or gender.

Recommendation 15.1: APD should develop a discipline matrix to ensure disciplinary decisions are fair and equitable for all personnel.

Recommendation 15.2: APD should regularly analyze discipline decisions in comparison with presumptive discipline options in the matrix and determine whether disparities emerge with respect to discipline based on officer ethnicity, race, or gender.



Finding 16: APD uses a Personnel Early Warning System (PEWS) to support employees using non-disciplinary referrals to incorporate positive correction actions to address performance issues before they become critical.

The use of early warning/intervention systems is common in policing, allowing agencies to monitor officers' behavior along key indicators to identify early signs of job performance problems and address them proactively using non-disciplinary procedures, such as counseling, supervisor intervention, and training referrals. These systems mitigate the risk of more serious performance issues through early intervention.

APD's PEWS system includes five indicators: use of force incidents, vehicle pursuits, vehicle collision (involving departmental vehicles), citizen complaints, and internal affairs investigations. General Order 2.4.15 *Personnel Early Warning System* describes the process for documenting these indicators, discusses supervisor review, and establishes thresholds for each individual indicator as well as the combined total. The current thresholds are as follows:

- Use of force: four incidents in a six-month period
- Vehicle pursuits: three incidents in a twelve-month period
- Vehicle collisions: three incidents in a twelve-month period
- Citizen complaints: three incidents in a twelve-month period
- Internal affairs investigations: four incidents in a twelve-month period
- Combined incidents: six incidents in a twelve-month period


Recommendation 16.1: APD should review the current list of five indicators included in PEWS against best practices and peer agencies and consider expanding the list to include additional indicators that are less serious and may reflect stress and mental health early indicators, such as lateness or absenteeism and assaults or injuries on the job.

During this review, APD should also consider consolidating or redefining indicators that overlap; for example, citizen complaints and use of force incidents that generate an internal affairs investigation and result in a single incident being counted twice.

Recommendation 16.2: APD should review the current threshold values for each indicator against best practices, internal data, and peer agencies' methods for establishing thresholds.

Recommendation 16.3: APD should evaluate the effectiveness of PEWS interventions by tracking employee performance on relevant indicators after the officer receives counseling, training, or other interventions. APD should consider the use of an external evaluator to perform this analysis and the possibility of publishing the results to contribute to the knowledge base in the field regarding EWS effectiveness.

Finding 17: APD policy does not specify who investigates allegations of biased policing.



The duties of Office of Professional Standards detectives are described in General Order 2.4.00 *Office of Professional Standards: Duties and Responsibilities*; however, this policy does not designate who investigates allegations of biased policing. It is important to have this type of complaint thoroughly investigated by a designated unit, whether it is an external or internal complaint.

Recommendation 17.1: In General Order 2.4.00 *Office of Professional Standards: Duties and Responsibilities*, consider adding a statement under Section 1.B that Office of Professional Standards Detectives shall investigate allegations of biased policing.

Finding 18: Complaints submitted by community members and external parties go through many stages throughout the investigations process.

When external complaints are filed, the complaints move through a very lengthy investigations process. Community members expressed concern that they struggle to receive information on filed complaints and that complaints from years prior are still pending because of a backlog of complaints. To increase transparency and trust within the community, the external complaint process must become more streamlined, allowing for swift actions to be taken.


Recommendation 18.1: APD should review and revise the procedures for intake, investigation, and disposition of community complaints to streamline the process.

Recommendation 18.2: APD should publicize the complaint process widely so that the community is fully informed about how complaints are handled.

Finding 19: Community members are mistrustful of the APD complaint process.

Community leaders act as liaisons for community members who have complaints from interactions with the police department. Community members the audit team interviewed expressed concerns that many community members are mistrustful of the APD complaint process. Some community members fear retaliation if they submit a formal complaint, and therefore express their concerns informally to Common Council members or other community leaders to pass along on their behalf. However, these complaints are likely difficult for APD to investigate without contact with the complainant.

Many community members expressed concerns about the procedural justice of the complaint process. This was a recurring theme expressed during interviews, at meetings of the Albany Police Reform and Reinvention Collaborative, through community email input, and in written material provided by community organizations. Community members are not satisfied with the level of communication APD provides during the complaint process, with many indicating that after they made a complaint, they received no updates or further information from APD regarding progress on the investigation or the disposition of the complaint. The external complaint process should be a safe place for community members to file their issues without fear of retaliation against their family or friends, and community members should feel assured that their complaint will be taken seriously and they will be notified of the outcome.



Recommendation 19.1: APD should work with community leaders to revise the community complaint process to foster an environment in which community members feel safe filing a complaint and know that they will receive regular updates as well as notice of the final disposition of the complaint.

Recommendation 19.2: APD should follow up on “office case” and “satisfied” dispositions carefully to ensure that the community member who submitted the complaint is notified of that disposition and its definition, and does not expect further action.

Finding 20: All personnel should exhibit professional behavior at all times.

In Section II.C.4 of General Order 2.2.15 *Harassment in the Workplace*, the policy states that an example of sexual harassment behaviors includes the use of obscene language in a manner that is offensive to a co-worker who can hear you. It is important that this policy apply to situations in which co-workers are not present to also ensure that all employees are not using obscene language whether others can hear it or not. This is particularly important given that an individual may not always be aware that someone nearby can hear them.

Recommendation 20.1: Change the language in General Order 2.2.15 *Harassment in the Workplace* to remove the requirement that a co-worker must be present.

Section 3: Use of Force

The third section discusses our assessment of the various policies and procedures for use of force, both deadly and non-deadly. First we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- The use of force policy should be updated to clarify when officers can or cannot use various forms of force.
- Annual reports detailing use of force incidents should be made publicly available to community members in the city.

Data and analysis

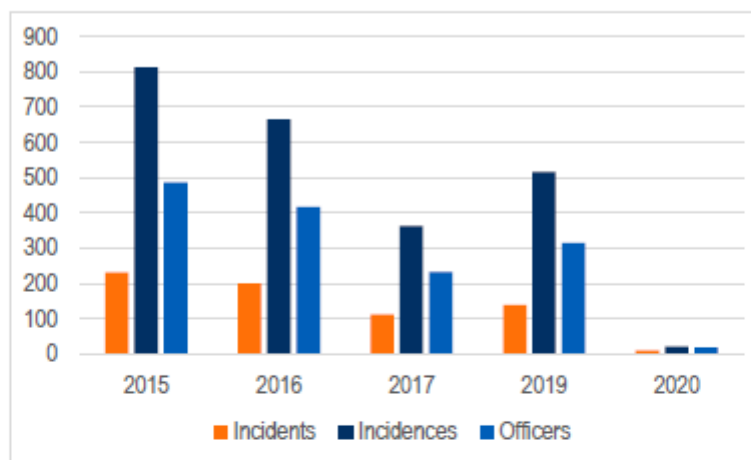
The audit team analyzed use of force data from 2015 through October 2020, except for 2018 because of the data loss previously noted in our introduction. During that time, APD documented 2,376 incidences of force that occurred during 691 incidents. Each individual use of force incident can potentially include multiple officers, multiple community members, and multiple incidences of force.

These incidents included 1,468 unique combinations of incident and involved officer, as well as 830 unique combinations of incident and community member. Put another way, each individual use of force incident included, on average, 1.6 officers and 2.9 community members. Note that nine large-group incidents involving indeterminate but large numbers of community members are counted as involving only one person, so these figures undercount the number of community members. Based on combined first and last names, 218 unique officers were involved in use of force incidents, with 135 being involved in more than one incident. Based on combined first and last names, 625 unique community members were involved in use of force incidents, 16 community members were involved in more than one incident, and 9 incidents involved large groups with no individually identified community members.

Figure 23 shows use of force incidents, incidences, and unique combinations of incidents and officers over time. Use of force has generally been declining in APD since 2015, though the low number of incidents in 2020 reflect only a partial year as well as the administrative delay in entering use of force incidents in full into the data systems and should not be viewed as part of this trend yet.



Figure 23. Use of force incidents, incidences, and involved officers over time

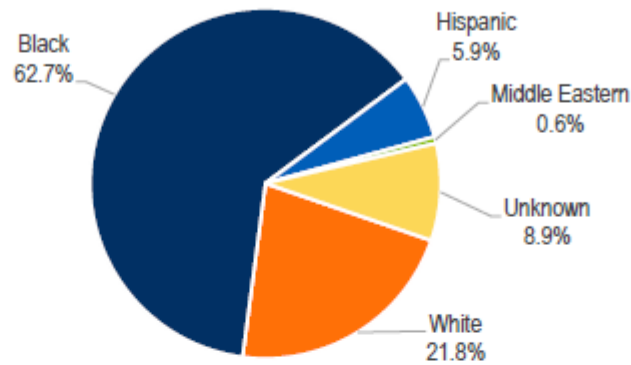


Source: Albany Police Department.

Figure 24 describes the race of involved community members for the 816 unique combinations of incident and community members (not including group incidents). Black community members were the most frequently involved in use of force incidents, with 62.7 percent of the community members involved in use of force incidents being Black, 21.8 percent being white, 5.9 percent being Hispanic or Latino, and less than 1 percent being Middle Eastern. In 8.9 percent of cases, the community member's race was unknown.



Figure 24. Race of community members involved in use of force incidents



Source: Albany Police Department.

APD tracks the reason officers used force during an incident, categorizing it into eight options at the level of the incident. As shown in Figure 25, of the 691 incidents of use of force, 205 were related to the community member resisting arrest, 200 were for non-compliance with stated officer instructions, 138 were due to a combative community member, 71 involved emotionally disturbed persons, 40 were in response to the assault of an officer, and 27 were in response to the assault of another community member. Property damage was relatively infrequently used as a reason, totaling seven incidents. In three incidents, the reason for use of force is missing.



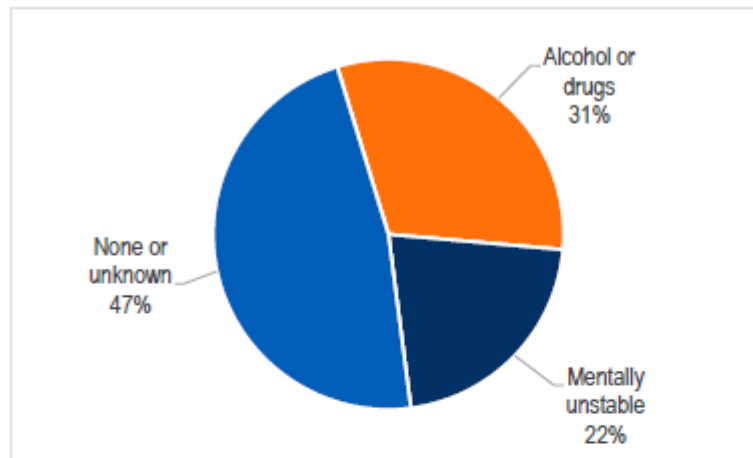
Figure 25. Reason for use of force



Source: Albany Police Department.

APD also assesses the mental state of the involved community member at the level of the incident; in other words, there is only one determination made for the entire incident, even if it involves more than one community member. Due to this, individual differences between community members involved in the incident are not captured in APD's data. For the purposes of this analysis, we collapsed APD's six categories into three; specifically, we combined drugs, alcohol and drugs, and alcohol into a single category; we maintained mentally unstable as its own category; and we combined none and unknown as well as 18 blank entries into a single category. Figure 26 provides the results from this analysis. The plurality of incidents do not involve any specific mental status, and of those that do, alcohol or drugs are more common than mental illness.

Figure 26. Mental status of individual involved in use of force incidents



Source: Albany Police Department.

APD includes eight options for describing use of force type, presented in Table 2 alongside the audit team's assessment of these options in terms of severity. This assessment is based on APD's stated use of force continuum as well as the audit team's experience and expertise on use of force. The position of canine units in the use of force continuum is not settled, but most recognize that canine units have the potential to inflict severe injury and therefore rate them at the high end of less-lethal options. APD includes an "other" category for force type; because it is unclear exactly what types of force this represents, the audit team pragmatically ranked it just above physical restraint and control techniques. A review of a sample of incidences involving this category suggested that officers may be using it to refer to specific physical techniques not captured by the two existing options. In some narratives, it seemed to be used to categorize close-handed techniques or specific restraint methods.

Table 2. Use of force types and severity

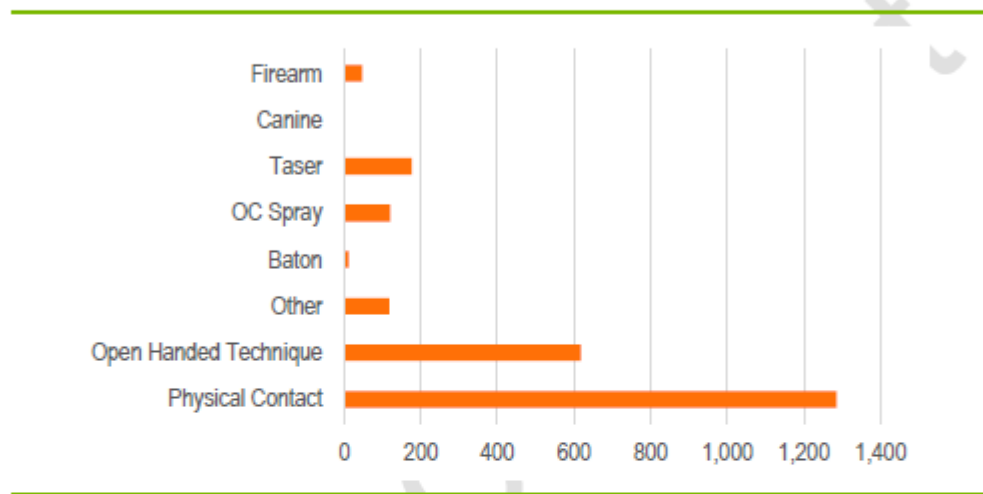
Type of force	Assessed severity
Firearm	8
Canine	7
Taser	6
OC Spray	5
Baton	4
Other	3
Open Handed Technique	2
Physical Contact	1



Source: Albany Police Department.

Figure 27 presents the breakdown of types of force used in the 2,376 incidences of use of force we analyzed, ordered from most to least severe. As is typical in most police departments, physical contact and open-handed techniques comprised the majority of incidences.

Figure 27. Incidences of use of force by type of force used



Source: Albany Police Department.

We next considered analysis of disparities in the use and application of force, focusing on these effects for Black community members. Disproportionality in outcomes is often expressed in terms of compound ratios: ratio of the percentage of police interactions with Black individuals involving use of force to the corresponding percentage for white individuals. This can be expressed with the following formula:

$$\frac{\text{Use of force}_B / \text{Total interactions}_B}{\text{Use of force}_W / \text{Total interactions}_W}$$

This compound ratio provides a clear and compelling interpretation: it measures how much more likely police interactions with Black individuals are to result in the use of force compared to interactions with white individuals. For the purposes of this analysis, we considered the arrest data APD provided as the baseline for interaction between Albany community members and the police. Using this approach, the compound ratio for Black community members is 1.2, meaning that Black community members are involved in 1.2 times more use of force incidents (using

arrests as a baseline) than white community members. However, this measurement does not take into account any information about the specific incidents that involved use of force.

Since APD collects robust data on use of force incidents, the audit team was able to implement statistical analysis about the level and amount of force used in these incidents to understand potential disparities related to the race of the involved community member. For the purposes of this analysis, we considered the number of incidences of use of force for a particular combination of incident and involved community member, and also the highest level of force used.

To analyze these incidents, the audit team implemented a quasi-experimental approach called propensity score matching. Propensity score matching is a technique that compares incidents that are otherwise extremely similar, but differ in terms of the race of the involved community member. In simplified terms, in reviewing use of force incidents, the propensity score matching method would attempt to match two incidents: one involving a white community member and one involving a Black community member. We would then compare these matched incidents (that have a similar underlying reason for use of force, community member gender, and officer assessment of community member's mental status). Since the two incidents are otherwise very similar, absent disparate treatment or bias, we would expect to see both incidents result in the same outcome (e.g., level of force used, count of force used). Although propensity score matching cannot establish that racial bias exists with certainty, it provides stronger evidence than past techniques, such as correlational analysis or compound ratios, alone.

We analyzed use of force incidents using propensity score matching on the 753 incident-community member unique combinations, having calculated the highest level of force used and the total number of incidences of force used against the community members in the incident. We also combined the reasons for use of force into four categories: assaulting a citizen or officer, combative or non-complaint (including emotionally disturbed persons), resisting arrest, and property damage. We similarly combined officers' assessments of community members' mental state into three categories: alcohol or drugs, mentally unstable, and none or unknown status. We used these variables, plus the sex of the involved community member, to identify use of force incidents that are similar to each other for comparison. We used nearest neighbor matching and reviewed and achieved acceptable balance and common support for both analyses.

Table 3 and Table 4 present results from this analysis, reporting the average treatment effect.¹¹ In both analyses, we do not find statistically significant differences in the level of force or the number of incidences of force used when comparing Black community members to all other community members, using a 5 percent alpha and associated 1.96 critical t-score. Note that the results for incidences of use of force would be significant at the 10 percent alpha level (1.66 critical t-score). For

¹¹ We report the average treatment effect in lieu of average treatment on the treated, since average treatment on the treated is appropriate when individuals can choose their assignment into the condition of interest, which is not the case for minority status. See: Rosenfeld, R., Rojek, J., & Decker, S. (2012). Age matters: Race differences in police searches of young and older male drivers. *Journal of Research in Crime and Delinquency*, 49(1), 31-55.

robustness, we considered an alternate specification including only Black community members and white community members and found similar results. Finally, we considered an alternate specification using radius matching with a radius of 0.01 and again found similar results.¹²

Table 3. Propensity score matching results for highest level of force used

Model	Difference in highest level of force used	t-statistic	Statistically significant?
Nearest neighbor	-0.001	0.01	No
Black and white community members only	-0.05	0.34	No
Radius of 0.01	-0.002	0.02	No

Source: Albany Police Department.

Table 4. Propensity score matching results for incidences of force used

Model	Difference in incidences of force used	t-statistic	Statistically significant?
Nearest neighbor	0.11	1.66	No
Black and white community members only	0.15	1.74	No
Radius of 0.01	0.08	1.19	No

Source: Albany Police Department.

Findings and recommendations

Finding 21: APD's Use of Force Core Principles lacks specificity on whether force is justified when an officer or bystander's life could be in danger.

In General Order 1.3.00 *Use of Force – Lethal Weapons*, APD outlines their Use of Force Core Principles. Within those principles, it is necessary to specify whether use of force is allowed when possible death or serious injury is being threatened and when the suspect has the means and ability to do so.

Recommendation 21.1: APD should consider revising General Order 1.3.00 *Use of Force – Lethal Weapons* with the following changes:

- Under Section I.A.1.a, "The suspect is acting or threatening to cause death or serious physical injury to the officer or others."

¹² Complete analytical results are available from the audit team upon request. Requests should be directed to the City Auditor's Office.

- Under Section I.A.1.a, "The suspect has the means or instrumentalities to injure an officer or others."
- Under Section I.A.1.a, "The suspect has the opportunity and ability to use the means of instrumentalities to cause death or serious physical injury."
- Under Section I.A.b.i, "Felony offense involving the infliction of serious physical injury or death."
- Add language to Section I.A.c to include the suspect threatening to cause death or serious injury to the officer or others, with the means to do so.


Finding 22: APD's current policies allow for the use of orthochlorobenzal malononitrile (CS gas) in response to unlawful assembly and for the purposes of crowd dispersal, with approval from the incident commander overseeing response, after an audible warning of intended use, and with Emergency Medical Services on-site.

The use of CS and tear gas for crowd dispersal purposes has come to the forefront of the national conversation on police-community relations and police reform in recent months, in light of widespread protest activity during 2020. Many law enforcement agencies are revisiting their policies on the use of these chemicals during protests and other mass gatherings. APD's policies on the use of CS gas do not include many specifics about when CS gas use is appropriate or inappropriate, other than a prohibition on its use for passive resisters, and a directive to consider the totality of circumstances. Community members expressed concerns during interviews regarding APD's use of CS gas during protests and also reported use of CS gas in neighborhoods without active protest activity and without audible warning to occupants, who had CS gas enter their homes through open windows. Community members also expressed concerns about finding CS canisters that were past their expiration dates and that CS gas was deployed when Emergency Medical Services were not on site. APD would benefit from a more extensive policy on the use of CS gas clearly establishing allowable and unallowable scenarios.

Recommendation 22.1: APD should review and revise their policy on the use of CS gas in response to unlawful assembly and for crowd dispersal purposes to align with emerging recommended practices regarding maintaining community trust during protest events. At a minimum, APD should expand this section of policy to clearly enumerate the specific circumstances in which CS gas can or cannot be used for these purposes.

Finding 23: APD's policies on use of force do not currently include an explicit sanctity of life statement.

APD use of force policy is documented in General Orders 1.3.00 *Use of Force – Less Lethal Weapons* and 1.3.05 *Use of Force – Lethal Weapons*. Neither General Order incorporates a formal statement on sanctity of life. Sanctity of life statements reinforce the importance of all human life, both within the department and the community. Though officers and police personnel implicitly understand the principles of sanctity of life, the inclusion of such a statement within use of force policy assures the



community of the department's commitment to their wellbeing, and ensures that officers explicitly acknowledge the gravity of their responsibility to serve the community.

Recommendation 23.1: APD should revise GO 1.3.00 *Use of Force – Less Lethal Weapons* and 1.3.05 *Use of Force – Lethal Weapons* to include a sanctity of life statement presented clearly under such a header at the beginning of the policy.

Finding 24: APD does not publish annual reports on their use of force incidents.

To improve the department's transparency with the community, it is important to be fully aware of the use of force incidents within the department on a yearly basis. Producing a summary report and releasing it to the public will show the community APD's emphasis on community engagement, as well as the steps they are taking to make progress in this area. APD describes the development of such a report for internal purposes in General Orders 1.3.00 and 1.3.05; this report could be used as the basis to produce a public report.

Recommendation 24.1: APD should produce a summary report annually on the use of force within the department that is publicly available to the entire City of Albany, New York.

Recommendation 24.2: APD should revise General Order 1.3.05 *Use of Force – Lethal Weapons*, section V.A. to include language stating that a summary report for the public on use of force incidents will be available on an annual basis.


Finding 25: APD codes use of force incidents so that the specific combination of incident, involved officer, type of force, incident of force, and involved community member can be discerned from standardized data fields.

APD's use of force incident database includes a separate line for each combination of incident, officer, force used, and involved community member. This allows for analysis of each individual incidence of force within an overall incident and is a best practice for use of force data management. For incidents with multiple officers and multiple community members, it is straightforward to understand which officers used force, what type of force they used, and against which community members. This allows for a better understanding of disparity in use of force.

Recommendation 25.1: APD should maintain its practice of documenting use of force incidents at the level of the incident plus the involved officer plus the involved community member.

Finding 26: APD codes only one assessment of community member mental status for use of force incidents, even for incidents involving multiple community members.

Based on the audit team's review of the use of force data structure, APD does not code officer assessments of community members' mental status individually for each person involved in the incident.



Recommendation 26.1: APD should assess each involved community member's mental status individually using current policy for making these assessments and note each separately in the use of force report.

Finding 27: APD includes an "other" category for use of force type.

APD's current data structure allows officers to select "other" for the type of force used. Given the importance of accurate use of force data collection and analysis, the use of an "other" category is not preferable. Given that APD clearly delineates allowable types of force in policy, this category should not be necessary.

Recommendation 27.1: APD should review use of force incidences coded as "other," including interviewing involved officers for clarification if necessary, and add new use of force type categories necessary to eliminate the "other" category.

Finding 28: Some use of force incident narratives are difficult to understand because of vague pronoun references, use of first person, and the lack of officer status designation in the APD use of force database.


Though the audit team did not conduct a complete review of use of force incident narratives, we did review some narratives during our data analysis, as well as to fill in missing information for a few incidents. In this review, we noted that some incident narratives are not clearly written, making it difficult to discern the details of the use of force incident.

One reason for this difficulty was the use of vague pronoun references (e.g., referring to "him" or "her" when it is not immediately obvious which person the reference is for). Using names for each reference may feel repetitive, but it improves the clarity of the description. Some officers also report using first person ("I" statements), which can also be difficult to follow, particularly since the same incident narrative is attached to multiple officers in the use of force database. The reader is left to infer who "I" refers to. Finally, APD includes all officers on the scene in their use of force database, which is a best practice, but does not include a field in the use of force database to distinguish each officers' role in the situation, whether they were involved in the use of force or were a witness.

Recommendation 28.1: APD should establish guidance for officers writing use of force incident reports, including avoiding the use of pronouns (he or she) in favor of names and eliminating the use of first-person narratives.

Recommendation 28.2: APD should implement a field in the use of force database to designate each officer by their status as related to the use of force (e.g., involved officer vs. witness).

Finding 29: For use of force incidents in which multiple officers are on the scene, APD's current policy is for a single officer to submit an incident narrative, with other officers on the scene co-signing that narrative.



APD's current policy requires just one officer involved in an incident to file a use of force narrative, which all other involved officers co-sign. Though this system is likely effective in a situation in which, for example, only one officer was involved in the use of force and other officers on the scene were only witnesses, it is not ideal for incidents in which multiple officers used force. Recollections of the incident may differ from person to person, some officers may have different angles of view and thus different information, and mistakes in perception or recollection are unlikely to be uncovered when only a single narrative is submitted. By having all officers who used force in the incident submit a report, a clearer picture will emerge of the totality of circumstances, and the multiple narratives will serve as fact checks on one another.

Recommendation 29.1: APD should revisit its policy of requiring only a single use of force incident narrative submission and consider requiring each officer who used force during the incident to submit an independently generated narrative. Officers involved in the incident as witnesses should co-sign these narratives to indicate they reflect the incident accurately.

Section 4: Community Policing

The fourth section discusses our assessment of the various policies and procedures for community policing practices. First we discuss the data we reviewed and our subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- APD's philosophy and culture have a strong focus on community policing practices, but this message needs to be reinforced to all personnel.
- The structure of the Neighborhood Engagement Unit and School Resource Officers should be reviewed for efficiency and effectiveness.
- APD's website could benefit from a modern reconstruction so that each embedded page is easily accessible and allows community members to find current information on the organization and projects APD is working on.


Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews and a review of APD policies.

Findings and recommendations

Finding 30: Since 2009, the APD has committed to a community policing and engagement philosophy and culture. However, this commitment is not present throughout the agency, and the community does not feel APD genuinely connects with community members in a substantive manner. There is a clear disconnect between APD's intentions, policy, and leadership and the experience of the community.

Interviews with prior sworn personnel and current long-time officers clearly show that a community policing philosophy has been encouraged beginning with prior leadership. These efforts developed many outstanding programs for community outreach and engagement, including Pastors on Patrol, the Police Athletic League, and the Neighborhood Engagement Units, as well as partnerships with the Boys & Girls Club, the citizens police academy, community meetings, the LEAD (Leadership, Education, and Development) program, and others. However, community members expressed concerns about the pop-up cookout events and coffee with a cop, citing that they are informal and tend to draw the same community members each time; they do not provide the forum the community is looking for.



Community policing activities in APD appear to be extremely siloed. Throughout the audit team's interviews with patrol officers, personnel expressed that community engagement is seen as the role of the NEU and that it was uncommon for patrol officers to engage in community policing activities consistently because they needed to be available for the next call for service. The audit team noted that APD lacks a high level of communication and understanding of how the community interactions of one particular unit can undermine and counteract the efforts of another unit. It is important that work in a NEU beat be coordinated with patrol units in the corresponding beat. Likewise, enforcement activity by specialized units (e.g., Community Response Unit (CRU), narcotics unit) were cited as working against engagement efforts by the NEU. Officers need to understand how their interactions in a community can undermine other officers' efforts to build trust. All officers are interdependent with each other and should not act with independent missions and agendas.

During our interviews, community members expressed frustration with officers from the NEU being late or not showing up for community engagement activities. Officers explained that these instances occurred because they were sidetracked by other department priorities or did not feel that communication within the department regarding the event was sufficient. Community engagement activities demonstrate a commitment from the APD to its community partners, which is especially important in minority communities.


Also through interviews, officers revealed that they receive little training for community policing and engagement activities. Though some officers have those instinctive qualities in their personality, others require the confidence that training can provide. This training should be provided not only to NEU and CSO officers, but also to the entire department so that all members understand their roles in building better, trusted relationships with the community. Community members expressed concerns, often tied to the First Street Incident, that officers do not engage in community problem-solving activities nor reach outside the police department to assist in solving quality of life issues. APD does not seem to focus on the SARA (Scanning, Analysis, Response, and Assessment) model in its officer training, performance evaluations, or policy.

Recommendation 30.1: APD should ensure adequate staffing to prioritize officers' attendance at community engagement activities.

Recommendation 30.2: APD should move towards a philosophy on community policing and engagement that is encouraged and embraced by all department personnel, rather than being conducted only by the NEU.

Recommendation 30.3: APD should continue current community policing and engagement efforts with an emphasis on coordinating and prioritizing proactive problem-solving for quality of life issues. APD should ensure officers are trained in and actively implement the SARA model regularly as part of their engagement with the community.

Recommendation 30.4: APD should increase community policing and engagement training for the entire department. APD should use a combination of in-house and outside contractors to ensure a wide sample of best practices.



Recommendation 30.5: APD should develop new community policing strategies beyond pop-up cookouts, coffee with a cop, etc., offering a more formal presence in the community to create rapport with the community. These new efforts should be intertwined with community leaders' efforts to create a collaborative working environment.

Finding 31: APD's Vision, Mission, and Core Values, as documented in General Order 1.1.00, do not include an explicit commitment to community policing.

General Order 1.1.00 *Vision, Mission, and Core Values* establishes the organizational philosophy for APD and its operations. It includes Vision and Missions statements regarding reducing crime and improving quality of life in a collaborative manner, as well as highlighting APD's core values of excellence, honor through integrity, courage, respect, and teamwork. The policy does not, however, explicitly reference community policing. Community members expressed concerns that APD has recently moved away from its previous orientation towards community policing. Re-affirming APD's commitment to community policing in General Order 1.1.00 *Vision, Mission, and Core Values* could represent a first step in addressing those concerns.

Recommendation 31.1: APD should incorporate community policing philosophy and associated principles explicitly into their Vision, Mission, and Core Values.


Finding 32: APD has a strong commitment to recognizing officers for outstanding achievements.

APD has implemented a Meritorious Service Award that distinguishes officers for outstanding achievement through their work in the police department. APD also has a Community Service Award given to someone who shows a strong devotion to the community and is continuously making positive impacts. These awards are crucial because they push personnel to want to work harder to positively impact the community they serve and foster great relationships with community members into the future.

Recommendation 32.1: APD should continue giving out these two achievement awards to continue working towards positive engagements with the community.

Finding 33: The community is under the impression that the NEU is understaffed and has been reduced in staffing and resources recently.

During interviews with community members, individuals raised concerns about the recent reduction in the size of the NEU due to staffing constraints. Community members felt that the unit no longer has the capacity to engage with the community in the manner they had in the past. Community members also expressed concerns about NEU personnel moving to work only on weekdays; they feel that having full-time NEU coverage is beneficial to their neighborhoods and to relationships with the police department. APD personnel and community members shared concerns that the NEU was now struggling to fulfill its mission in the impacted neighborhoods with low staffing. Staffing cuts in NEU



also contribute to community mistrust and the feeling that community policing has been deprioritized.

Recommendation 33.1: When staffing levels allow, APD should reassign officers back to the NEU to ensure the unit can fully reach all neighborhoods within the city.

Recommendation 33.2: APD should consider combining NEU officers, SROs, and Community Service Officers into a combined unit focused on Community Policing and Engagement under the command of a senior leader and incorporates non-sworn personnel such as case workers, outreach personnel, and victims' advocates. This would provide a pool of officers and additional staff for engagement activities and allow increased assignments outside of the Monday through Friday day shift.

Finding 34: The selection process for officers assigned to the NEU lacks a formal structure.

Interviewed APD personnel indicated that the selection process for the NEU officers is unclear and not transparent. The selection of NEU officers was explained as being primarily through a seniority-based system. There were concerns that some NEU officers selected the assignment to have preferable days off, preferable hours, and a "break" from patrol duties. It is important that the selection process foster community buy-in and transparency while encouraging a selection of officers who desire the assignment for the right reasons. Seniority should not be the only selection criteria for this selection process because an officer's ability and prior engagement efforts should be considered.

Recommendation 34.1: APD should explore changing the NEU selection process (within the requirements of the collective bargaining agreement) to include community member input, since community members best understand what characteristics they would like to see in their assigned NEU officers.

Recommendation 34.2: APD should review officers currently assigned to the NEU to ensure that all exhibit a clear community orientation and a problem-solving attitude, and are endorsed by the community members they serve.

Finding 35: APD assigns SROs to the local school district, but this program is under-resourced. Stated SRO roles, per policy, do not include counseling and mentoring or emergency planning and critical incident response.

APD describes the School Liaison Program, consisting of SROs assigned to the City of Albany School District, in General Order 1.2.10 *Diversion Programs*. In this policy, APD describes the role of SROs as including:

- Developing programs and training for delivery in the schools;
- Participating in Gang Resistance Education and Training (G.R.E.A.T.);
- Delivering prevention programs to students;

- Providing security during dismissal;
- Serving as information-sharing liaisons to school officials regarding relevant reports produced within APD;
- Being available to students, parents, teachers, and administrators; and
- Serving as liaisons for APD investigations involving school-aged children.

Absent from the list of responsibilities are two elements suggested by the Office of Community Oriented Policing Services (COPS Office) and the National Association of School Resource Officers (NASRO). The COPS Office and NASRO both acknowledge the role of SROs as informal counselors who foster positive relationships with youth, build relationships with students, connect youth and families with social services as necessary, and potentially support the recruiting pipeline for a department. In addition, SROs rarely but critically serve in an emergency management capacity during critical incidents in school settings, as well as support the development of school safety plans and threat assessment programs.

Currently APD has only three full-time SROs that are assigned to Albany Public Schools. Albany Public Schools have an excess of 10,000 students and 18 buildings. Under the current structuring, the current SROs have the capacity for only safety-related activities. NASRO recommends a ratio of one police officer per 1,000 students, depending on other factors such as school size and grade levels. The recommended ratio allows officers to provide only an appropriate level of safety and serve as role models, mentors, and problem solvers within the school setting.

Recommendation 35.1: APD should ensure that GO 1.2.10 *Diversion Programs* and other SRO guidance are updated to reflect SROs' commitment to community policing, youth engagement, and recruiting, and to acknowledge SROs' role in emergency planning and critical incidents.


Recommendation 35.2: APD should develop a plan to expand, over time, the number of SROs to meet NASRO's recommended officer-to-student ratio in served schools.

Recommendation 35.3: APD should reconfigure the assignments of officers to assign them according to geographic areas so that some officers can serve multiple schools.

Finding 36: SROs do not contribute to the "school-to-prison" pipeline.

The audit team noted that SROs do not feel their primary role is to make arrests for school-related issues. During our interviews, the SROs reported that they primarily allow school administration to take the lead on disciplining students. Arrests by SROs are infrequent. SROs have developed a positive student recognition program called "Do the Right Thing" that recognizes good deeds done by students. SROs tend to focus more on partnership than on enforcement actions within the schools.

Recommendation 36.1: APD should continue to encourage SROs to develop innovative programs to encourage positive student behavior and to minimize their contribution to the school-to-prison pipeline.



Finding 37: APD engages in formal youth engagement programs and activities but would benefit from gathering community input on the effectiveness of these programs and engaging in informal youth engagement outside of official programs.

APD currently pursues youth engagement primarily through formal programs, including To Reach and Connect (TRaC), the Police Athletic League, Police Explorers and Cadet programs, and G.R.E.A.T. APD assigns a coordinator to these programs and reviews and evaluates each program annually. Community members indicated during interviews, however, that these programs are appreciated but would benefit from adjustments, particularly to encourage participation by underserved populations in the City of Albany. Officers and community members also noted that past efforts by individual officers to connect informally with youth through strategies such as spending off-duty time at recreation centers, playing sports informally with youth, and other individually driven efforts were more successful in building trust with young individuals, particularly if officers could participate in these activities out of uniform to maintain a less intimidating presence.

Recommendation 37.1: APD should maintain and, in some cases, revitalize existing youth engagement programs, based on community input.

Recommendation 37.2: APD should develop policies to support officers engaging informally with youth, including opportunities out of uniform and in venues naturally used by youth in the community, such as after-school community center recreation programs.

Finding 38: Current LEAD policies and procedures leave the decision to refer eligible individuals to LEAD at the officer's discretion.


Under current policy, officers are not required to participate in the LEAD program by diverting eligible individuals for treatment or other alternatives to arrest. As noted in other findings, there is general distrust in the community regarding the LEAD program, which they feel is underused and has largely provided diversion opportunities to white community members. By allowing officers to make referrals or not entirely at their discretion, APD creates a very real possibility of disparate treatment of community members by race, gender, and other individual characteristics. Implicit bias will likely play a role in LEAD referrals under the current system.

Recommendation 38.1: APD officers should refer all individuals meeting the eligibility criteria and not falling in an exclusion category to LEAD.

Recommendation 38.2: APD should collect data about LEAD referrals and non-referrals and regularly analyze this data to understand the reasons for non-referrals and the impact of specific exclusion criteria, particularly the criteria that the complainant is willing to decline prosecution.

Finding 39: Patrol officers recently started conducting 20 minutes of foot patrol on each shift.

Patrol officers recently started conducting 20 minutes of foot patrol on their daily shifts; however, based on information gathered during interviews, it is clear that not all officers have bought into this



policy. Officers are not clear on the expectations for their prescribed period of foot patrol, resulting in inconsistent application. Community members report that some officers use this time to engage directly with community members in a non-enforcement capacity, while others perform only the letter of the law by parking their vehicle and standing next to it for 20 minutes. It is important to continue fostering improved relationships with the community, and this cannot always be done from inside a patrol vehicle.

Recommendation 39.1: In General Order 3.1.00 *Patrol Function* under section II, APD should add letter D. A 20-minute foot patrol is required on each shift, as permitted, to engage with the community and strengthen relationships.

Recommendation 39.2: APD must increase buy-in from officers about this patrol activity to ensure that officers are interacting with the community in a positive way.

Finding 40: APD has a clear explanation of the difference between protests and civil disturbances and demonstrates a strong emphasis on connecting with leaders of groups planning these events.


In General Order 3.9.05 *Pre-planned/High Risk Situations*, APD provides a strong and clear explanation of protests and civil disturbances. They also emphasize connecting with leaders of groups planning these specific events to advise them of the importance of keeping the protests peaceful. APD has a strong policy detailing their procedures for high-risk situations. This emphasis is important because it allows APD to collaborate with the group leaders in order to keep the protests peaceful and ensure they do not result in a civil disturbance; it also ensures that APD personnel know exactly what to do in these high-risk and pre-planned situations.

Recommendation 40.1: APD should add language to General Order 3.9.05 *Pre-planned/High Risk Situations* section IV.C.2.a that personnel shall attempt to ascertain the identity of leaders of the protests or civil disturbances.

Recommendation 40.2: APD should add language to General Order 3.9.05 section IV.C.2.a that states, "Supervisor shall attempt to open lines of communication with the leader of the group to ensure it remains a peaceful protest." APD should make this change in section III for high-risk situations as well.

Finding 41: APD has a website embedded within the City of Albany's landing site; however, APD would benefit from a more modern website.

The APD website is embedded within the City's site with various components, including an Administration page, Albany Community Police Advisory Committee Page, LEAD page, and others. During our review of the website, the audit team identified numerous out-of-date sources, missing information, and pages that would benefit from editing. The website is also missing information and documents that would help improve community member's understanding of the department and its processes and build trust. It is important that the APD have an up-to-date and efficient website that



includes information that the community can easily access. Keeping APD's community policing values at the forefront also includes having a website that the community can easily navigate.

Recommendation 41.1: Depending on IT infrastructure, APD should consider creating its own website. If this is not possible, APD should reconstruct the current landing page on the City of Albany's site.

Recommendation 41.2: APD should make the following website content changes:

- On the home page, move the mission and vision to the very top to ensure it is the first information that community members see when they visit the website.
- Under the Administration landing page, APD should include a current organizational chart with names and positions.
- Add information about the complaint process, preferably including the option to submit complaints online or via a digital form sent by email.
- Add pages to host publicly released reports, such as annual use of force reports, complaint analysis, etc., so they are easily accessible to the public.

Recommendation 41.3: APD should review all data and information on the website and ensure it is up to date and reflects current practices.



Section 5: Recruitment, Hiring, and Retention

The fifth section discusses our assessment of the various policies and procedures for recruitment, hiring, and retention, including the performance evaluation process, promotional process, and safety and wellness. First we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- The diversity of APD personnel does not reflect the racial makeup of the City of Albany.
- Recruitment and hiring practices should be reviewed, and the department should release annual reports on these data.
- The promotional process is of concern to personnel and should be tracked in a database, and the performance evaluation process should be standardized.

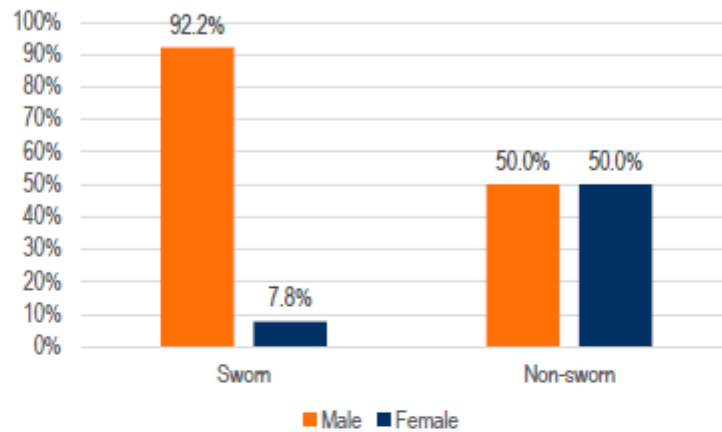
Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews, a review of APD policies, and administrative data provided about department personnel. At the time of the audit analysis, APD employed 380 full-time personnel, of which 294 (77.4 percent) were sworn officers and 86 (22.6 percent) were non-sworn staff.

Among full-time personnel, 82.6 percent were male and 17.4 percent were female. As shown in Figure 28, gender among non-sworn staff was evenly split between men and women, but among sworn personnel, only 7.8 percent were female.



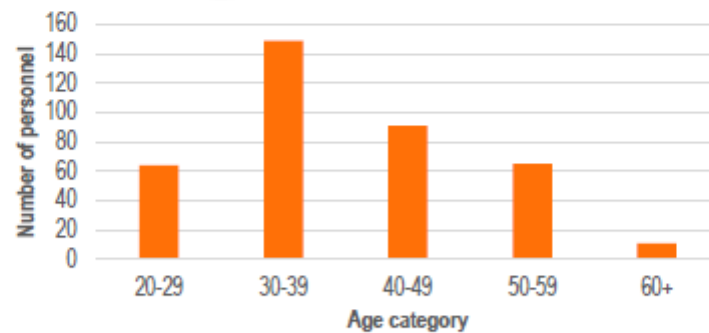
Figure 28. Gender of sworn and non-sworn personnel



Source: Albany Police Department.

APD employees ranged from 20 to 74 years old. As shown in Figure 29, personnel are most commonly between 30 and 39 years old.

Figure 29. Age distribution of personnel

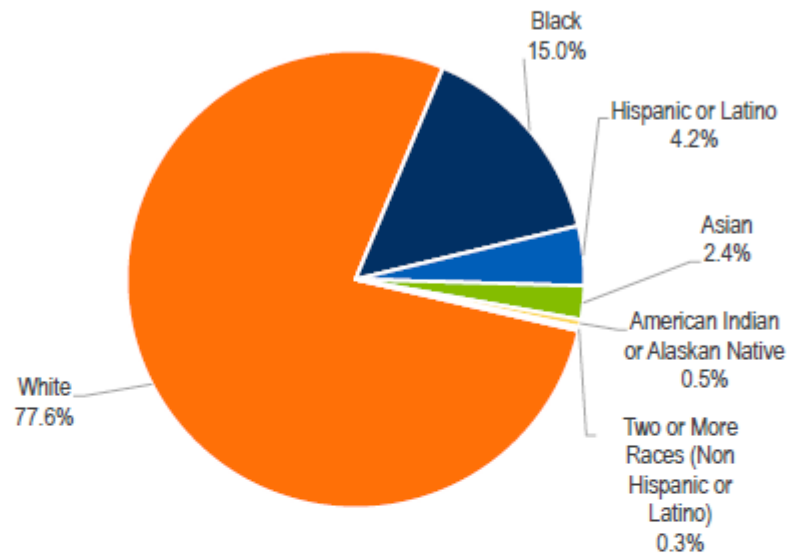


Source: Albany Police Department.

Figure 30 presents the racial composition of the APD. APD's racial demographics cannot be directly compared to US Census data, since APD categorizes race and ethnicity together, while the Census collects information about ethnicity separately. However, the Census does report that white non-

Hispanic or Latino community members make up 49.9 percent of the population, while they represent 77.6 percent of APD personnel.¹³

Figure 30. Racial distribution of personnel

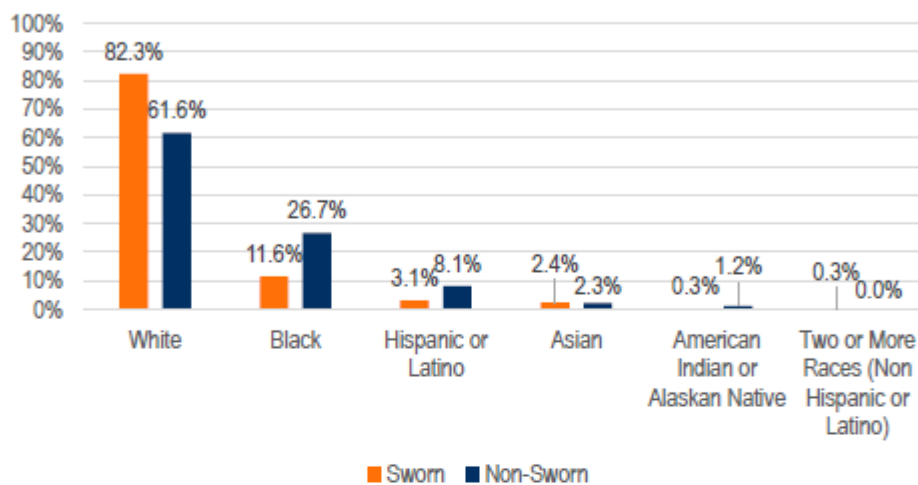


Source: Albany Police Department.

As Figure 31 demonstrates, Black and Hispanic personnel in APD are more likely to work in non-sworn positions, with 82.3 percent of sworn personnel being white.

¹³ Source for community statistic: US Census population estimates for July 1, 2019, accessed via QuickFacts, available online: <https://www.census.gov/quickfacts/fact/table/albanycitynewyork/PST045219>.

Figure 31. Racial distribution of sworn and non-sworn personnel




Source: Albany Police Department.

Findings and recommendations

Finding 42: APD maintains a documented recruitment plan for full-time sworn personnel, which includes a focus on recruiting individuals from underrepresented demographics and a goal for APD personnel demographics to reflect the community.

As noted in General Order 2.3.00 *Recruitment and Selection*, APD has a strategic plan for the recruitment of full-time sworn personnel. This policy details the goal of the recruitment plan, which is to achieve an ethnic, racial, and gender composition in the full-time sworn personnel ranks that represents the Albany community. The recruitment plan includes objectives, a description of the Albany community demographics, discussion of past recruitment efforts and initiatives, strategies and materials regarding representation in recruitment personnel, and an action plan for implementation. The Administrative Services Bureau reviews and analyzes the plan annually, including a review of APD personnel demographics in relation to community demographics.

As noted in the audit team's analysis of APD full-time personnel demographics, APD personnel do not reflect the racial or gender demographics of the city, particularly its sworn personnel. Women are underrepresented among sworn personnel, and the department overall (and particularly in sworn positions) is majority white non-Hispanic or Latino, whereas the City of Albany is approximately 50 percent composed of members of ethnic or racial minority groups. Individuals the audit team



interviewed expressed concerns about the representativeness of the department; they felt the department could do more to effectively recruit members of racial or ethnic minority groups.

Recommendation 42.1: APD should continue to maintain and regularly update their strategic plan for recruitment, with particular attention to the effectiveness of its recruiting strategies.

Recommendation 42.2: APD should develop a similar recruitment plan for full-time non-sworn personnel.

Recommendation 42.3: APD should develop a publicly releasable version of the annual recruitment plan analysis and make this report available to the community.

Finding 43: Though APD's recruitment plan emphasizes recruiting members of racial or ethnic minority groups, personnel demographics do not reflect community demographics. This lack of representation may be partly due to disparities in the hiring process.


The City of Albany uses the New York State Civil Service system for the hiring of new sworn officers. That system does not allow for a preference for diverse hiring to reflect the demographics of the city. Based on statistics, the racial makeup of the department does not reflect the city's racial and ethnic makeup. The community has serious concerns about diversity in APD, which are supported by the personnel analysis the audit team conducted. During our interviews, APD personnel expressed fewer concerns about the level of diversity within APD. APD has established procedures for recruiting personnel from racial or ethnic minority groups, but does not have similar strategies to ensure these applicants are successful during the application and hiring process.

The City could petition for changes in legislation to allow for the implementation of a diverse hiring preference. However, this process is likely to take time. In the meantime, and absent a preference for diverse hiring, APD can still take steps to support applicants from racial or ethnic minority groups. APD does not currently track applications and applicant progress in the hiring process. By tracking this information, APD would be able to identify quantitatively at which points in the application process or the Academy applicants fail or drop out, and whether racial disparities are present in those patterns. To the degree they are, APD may be able to incorporate programs or initiatives to support applicants and increase their chance of making it through the hiring process successfully.

Recommendation 43.1: The City of Albany should explore options locally and at the state level to implement a diversity preference for hiring, including the possibility of moving away from the civil service hiring system and petitioning for a change in state legislation.

Recommendation 43.2: APD should implement a system or database to track applications and applicant progress through the hiring process and analyze this data annually to identify racial, ethnic, or gender-based disparities at each stage of the hiring process. If such disparities are identified, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities.

In particular, community members expressed concerns about applicants from ethnic or racial minority groups failing to meet the physical fitness requirements at a disparate rate. APD



could address this proactively by providing additional training or other options to prepare applicants for the test.

Recommendation 43.3: APD should disclose the diversity of the department to the public on an annual basis to promote transparency.

Finding 44: APD does not currently track data on promotion applications or applicants and promotion decisions in a formal system or database.

APD clearly delineates the promotion process in General Order 2.3.10 *Promotional Process*, including a description of procedures for job postings, Civil Service Examinations, applications, and criteria for selection of personnel. The process and procedures are described in detail at each stage of the application process. However, APD does not currently record data on applications and applicants for open positions and promotion outcomes. Therefore, the audit team was not able to conduct analysis of promotions to investigate the possibility of racial, ethnic, or gender-based disparities in promotional decisions.

Recommendation 44.1: APD should establish a system to collect and retain data about the promotional process, including applicants, applicants' demographic information, relevant data considered for promotion decisions (e.g., Civil Service Exam results), and outcomes.

Recommendation 44.2: APD should analyze promotion data annually to identify racial, ethnic, or gender-based disparities in the promotion process. If such disparities exist, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities.

Finding 45: Relationships between supervisors and their officers are very positive.


Interviewed APD personnel noted that their working relationships with their supervisors were very positive. It was apparent that officers feel they can call their supervisors at any time with questions they may have. Those on days versus nights did describe slightly different relationships with their supervisors due to more down-time during night shifts. This down time allows officers to get to know their supervisors better and fosters a very fluent working relationship.

Recommendation 45.1: APD should continue working towards positive relationships between supervisors and officers, while looking for opportunities for daytime sergeants to interact more with their officers.

Recommendation 45.2: Supervisors should continue to routinely review officers' work and provide constructive feedback.

Finding 46: APD's performance evaluation process for sworn and non-sworn personnel remains unclear and does not currently operate according to policy.

During our interviews, each sworn member was asked about performance evaluations. Many officers could not recall being evaluated within the past year and several indicated it had been two to three



years since their last evaluation. Several officers also mentioned that they only had an evaluation from their supervisor when applying for a specialty assignment. It is important that all evaluations are consistent and timely in order to make a positive impact on the department. General Order 2.3.05 *Performance Evaluations and Career Development* clearly requires that performance evaluations be performed annually. APD also should have a clear process for supervisors to ensure accurate, timely, and meaningful evaluations of the personnel they oversee.

Recommendation 46.1: As part of General Order 2.3.05 *Performance Evaluations and Career Development*, APD should institute a specific procedure for ensuring all employees receive evaluations annually (e.g., officers receive reviews on their date-of-hire anniversary or all performance evaluations take place at the end of the fiscal year) with a designated command officer responsible for auditing. This will ensure all employees receive a current evaluation. This policy should also address procedures for employees who changed supervisors shortly before performance evaluations take place.

Recommendation 46.2: APD should include a designated time period for evaluations of non-sworn full-time employees in General Order 2.3.05 *Performance Evaluations and Career Development*.


Recommendation 46.3: On the Performance Evaluation Form, APD should include descriptions of all five choices (Outstanding, Excellent, Good, Needs Improvement, and Unsatisfactory) in the overall performance rating section.

Finding 47: APD personnel are mistrustful of the promotional and specialty assignment process and feel it lacks transparency. This mistrust contributes to difficulty retaining sworn personnel.

Interviewed personnel expressed a lack of trust in the current promotional and specialty assignment process. Some officers have been passed over multiple times for promotions or specialty assignments with no tangible explanations or feedback provided. This lack of transparency in the promotion process has resulted in low morale and distrust of internal procedures. Some officers expressed that they had heard that interview questions are given to preferred candidates the night before their interviews.

During the audit team's interviews, APD personnel expressed concerns about the retention of sworn officers. In particular, there is a perception that officers from racial or ethnic minority groups have been leaving the department at higher rates. Though some factors influencing retention are not fully within the department's control, others such as fairness and equity in promotions and special assignments, organizational culture, and internal procedural justice are and can be a major influence on personnel retention.

Recommendation 47.1: APD should develop a completely transparent and open promotional process. If an interview board is used, a clear explanation of topics covered and evaluation criteria used should be posted in advance. Any selection that deviates from the current ranking should require a written explanation be supplied to the person(s) skipped over.



Recommendation 47.2: To avoid the appearance of favoritism, APD should consider delegating the oral interview component to a neutral law enforcement agency of similar demographics. Detail this change in General Order 2.3.10 *Promotional Process* in section 1.F.3.a.

Recommendation 47.3: APD should develop a completely transparent and open specialty assignment process that is disseminated in advance. APD should post the ranking of candidates, and individual evaluations should be supplied to applicants. APD should update General Order 1.2.15 *Specialized Assignments* as necessary to reflect these procedures.

Recommendation 47.4: APD should consider announcing all openings that occur in specialized units, even if it is not required as part of the Collective Bargaining Agreement.

Recommendation 47.5: If not already a standard practice, APD should engage in exit interviews with departing personnel. APD should analyze information gathered during exit interviews annually to ascertain whether recurring themes are present in personnel departures, and whether these can be addressed.

Finding 48: APD offers educational reimbursements for post-secondary educational expenses to eligible personnel.

APD offers educational reimbursement to eligible employees subject to the conditions in the current Collective Bargaining Agreement and the City of Albany Personnel Policy and Procedures Manual. Full-time employees with at least six months of service are eligible for reimbursement for up to one course per semester, with funds allocated on a first-come, first-served basis and a cap on reimbursement per credit. The current guidance notes that this reimbursement is not intended to assist employees in obtaining a degree, but instead to support them in supplemental training and instruction.


Recommendation 48.1: APD should continue to offer educational reimbursements for post-secondary educational expenses.

Recommendation 48.2: APD should investigate the possibility of revising the Collective Bargaining Agreement to indicate that the educational assistance program can be used to assist employees in obtaining a degree.

Finding 49: Officers are concerned about their safety and wellness.

During the audit team's interviews, we learned that many officers worry about their safety and wellness because of the climate of policing nationwide. It is important that APD takes steps to help officers feel safe and grounded in their daily duties. Not only will this ensure that officers have a safe space when they need it, but it will help with overall department morale. It is also important to give officers the space to engage in the Employee Fitness and Wellness Program.

Recommendation 49.1: APD should review its health and wellness offerings and update them, as required.



Recommendation 49.2: APD should ensure that all employees are aware of the health and wellness offerings provided by the department, including the Employee Assistance Program.

Recommendation 49.3: In General Order 2.3.30 *Employee Fitness and Wellness Program*, APD should revise policy in section ILC to allow employees to access the wellness facility other than just during their meal period.

Public Comment

Section 6: Oversight and Accountability

The sixth section discusses our assessment of the various policies and procedures for oversight and accountability. First we discuss the data we reviewed and the subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- Annual reports of data designated in various General Orders should be completed and housed on the APD website for all community members to easily access.
- APD participates in a long list of programs and should seek evaluations of these programs to determine their effectiveness and help allocate resources among the programs.
- There are community concerns that past proposed reforms have not been implemented, along with concerns that officers do not live in the City of Albany.

Data and analysis

In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews and a review of APD policies.

Findings and recommendations

Finding 50: Several APD General Orders require annual analyses of data on internal affairs investigations, use of force, recruitment, allegations of biased policing, and others.

Through interviews, we learned that reports on annual analyses of data are not released publicly nor are annual summary reports published. The lack of public release of reports and annual summaries shows low transparency and diminishes trust by the community in the City of Albany. It is important to increase transparency with these types of reports to follow through with APD's mission. The areas that are required to develop annual analyses are:

- Recruitment
- Internal Affairs Investigation
- Use of Force
- Bias Free Policing

Recommendation 50.1: APD should update all relevant policies to incorporate public release of results (in whole or part) from these annual analyses.

Recommendation 50.2: APD should ensure that these reports are posted and maintained on the APD website so they are readily accessible to the public.

Recommendation 50.3: Internal Affairs Reports and annual summaries should include breakdown analysis by race, when available.

Finding 51: APD leads or is involved in a number of programs and policing strategies covering a range of issues such as community engagement, diversion, mental health, homelessness, drug abuse, and delinquency prevention. However, there is limited evidence regarding the effectiveness of these programs in Albany.

During interviews and a review of policy, the audit team noted that APD leads or participates in a number of programs and initiatives, but these are not regularly evaluated. APD is involved in the following efforts that might benefit from evaluation:


- Equinox Chemical Dependency Counseling Center
- Narcotics Anonymous
- The Addictions Care Center of Albany
- Screening, Brief Intervention and Referral to Treatment (SBIRT)
- Albany County CART Mobile
- CDPC Crisis Unit
- Equinox Mental Health Services
- "Now is the Time" Project AWARE
- APD's Crisis Intervention Team
- LEAD
- Enhanced Supervision Unit
- School Liaison Program
- TRaC
- Persons in Need of Supervision (PINS)
- Youth Aide
- Youth Court

Community members discussed their frustrations specifically with the LEAD program and their perception of its effectiveness. Evaluations of this program and many others would allow APD to configure the appropriate resources for each program to strengthen their effectiveness.

Recommendation 51.1: The City of Albany and APD should coordinate to budget for external evaluations of some or all of these programs, through City budget allocations or through grant applications to state or federal funders, such as the DOJ, OJP, BJA, NIJ, or COPS.

Recommendation 51.2: The City of Albany and APD should coordinate with community leaders to gain community input on each program. Community members should continue playing an important role in the evaluation and review of these programs annually.

Finding 52: Communication with officers after changes to General Orders, Special Orders, and Training Bulletins could be improved.



Throughout our interviews and review of General Order 1.5.00 *Written Directive System*, we learned that officers only have to review changes to General Orders, Special Orders, and Training Bulletins and electronically sign that they completed the task. After these changes are made, it is important that supervisors explain these changes in roll-call trainings or during times when they can be available for questions. We did learn that some supervisors have taken this approach, but this may not be a standardized practice throughout the entire department.

Recommendation 52.1: APD should enforce required roll-call trainings after updates to General Orders, Special Orders, and Training Bulletins to ensure that the mission behind the change is properly communicated to all officers in the department.

Finding 53: APD currently assigns research, development, and strategic planning responsibilities to the Training Unit.


Under APD's General Order 1.1.15 *Planning and Research*, responsibility for research, development, and strategic planning lies with the Training Unit. The policy tasks the Training Unit with management planning, succession planning, strategic operational planning, policy research and development, and the establishment of department goals and objectives. The Training Unit has substantial and broad responsibilities related to its primary focus, as documented in APD's General Orders. Research, development, and strategic planning represent major responsibilities in a police department and should be prioritized as tasks unto themselves. Establishing a dedicated unit to oversee this work would likely also benefit APD by extending the responsibilities enumerated in General Order 1.1.15 *Planning and Research* to include such tasks as conducting program evaluations, establishing research partnerships with external organizations, developing a strategy for grants and other external funding, and conducting best practice and peer agency research.

Recommendation 53.1: APD should consider establishing a dedicated Research and Planning Unit, staffed by sworn and non-sworn personnel, rather than incorporating these responsibilities into the Training Unit.

Finding 54: The City of Albany is prohibited by New York State law from mandating a residency requirement for public safety personnel. The City does require that applicants to APD reside in the City in order to be hired, but APD does not have a residency requirement for officers and personnel to reside in the City of Albany after they are hired.

Knowing the community is pertinent to the daily duties of a police officer. Community members expressed concerns that many APD personnel do not reside in the City of Albany and do not have a thorough understanding of each neighborhood because they are not as invested in the city. By creating a residency requirement, APD could ensure that officers coming to work every day are invested in the community because it holds a special importance to them.

Recommendation 54.1: APD should review their personnel requirements to determine the feasibility of requiring that sworn officers reside in the City of Albany, including considerations related to the collective bargaining agreement.



Recommendation 54.2: APD should review its residency incentives and determine if they could be increased or improved.

Finding 55: The Community Policing Review Board and other community organizations have submitted formal reports and lists of recommendations to APD and the City of Albany in the past.

The Community Policing Review Board (CPRB) previously created a list of 10 policy reform recommendations that were sent to the Common Council and the Mayor of the City of Albany. In these recommendations, the CPRB called for empowerment and defunding of the police department. The recommendations' common theme was to reimagine the APD to promote a reimagined society. Other community organizations, including the Center for Law and Justice, also reported sending information and recommendations to APD and the City of Albany. In addition, the Police Reform and Reinvention Collaborative is currently developing recommendations for consideration by APD and the City.

Recommendation 55.1: APD, along with the Mayor and the Common Council, should review past recommendations provided by CPRB and other groups and provide a formal response detailing anticipated action (or lack thereof) for each recommendation.

Recommendation 55.2: APD, along with the Mayor and the Common Council, should institute policies that all recommendations provided in good faith from community organizations should receive a formal response, including an explanation of what actions will be taken in response to recommendations; if not all recommendations are to be implemented, an explanation should be provided.

Section 7: Training

The seventh section discusses our assessment of the various policies and procedures for training in the APD. First we discuss the data we reviewed and our subsequent analysis. We then detail our emerging findings, analysis, and actionable recommendations.

Through our interviews, document review, and data analysis, the audit team discovered the following key themes:

- Annual in-service training curriculum should be updated to include various topics, including but not limited to racial bias and cultural sensitivity training.
- Training is not consistent across the department, and personnel feel they need more training to sufficiently do their jobs.

Data and analysis


In preparing findings and recommendations for this topic, the audit team drew from data collected during interviews, a review of APD policies, and APD's records of in-service training over the past five years as well as the APD Academy training curriculum and the New York State officer training curriculum.

Findings and recommendations

Finding 56: APD provides new supervisors with both classroom and field training within one year of promotion.

All newly promoted sergeants must complete 24 hours of classroom training through the Municipal Police Training Council or other equivalent provider, as well as 120 hours of supervised field training with a senior sergeant officer. Newly promoted lieutenants must complete classroom training, if not already completed, as well as 40 hours of supervised field training with a senior lieutenant. Formal supervisory training helps ensure consistency in supervision techniques and strategies, and it acclimates new supervisors to their new responsibilities and the systems and procedures associated with those responsibilities.

It is important that supervisors receive the information that they need to understand their duties and responsibilities and can convey the duties and responsibilities of higher level positions to their subordinates. Additionally, it is pertinent that supervisors be trained on how to effectively complete performance evaluations that foster a positive and collaborative working environment with those they supervise.



Recommendation 56.1: APD should continue to offer newly promoted supervisors classroom and field training and should regularly revisit the topics covered in the classroom training to ensure they reflect current departmental needs.

Recommendation 56.2: Revise General Order 1.1.15 *Planning and Research* in section IV.D to state that succession planning shall occur through formal training between supervisors, in-service trainings, and meetings rather than through informal training.

Recommendation 56.3: Revise General Order 4.1.05 *Training: Organization and Functions* in section III to ensure that new sergeants receive training on effective completion of performance evaluations.

Finding 57: Current training does not emphasize police racial relations and understanding.

Both community members and APD employees expressed a need for more racial bias and cultural awareness training. It appears that officers received training in the academy and have received sporadic training within the past 2–3 years. In addition, no officers, when asked, indicated they received post-academy training on constitutional policing. Training in these core areas is a foundation for officers to understand implicit bias and how to police a community which often views itself as over policed. Officers also asked for more scenario-based training, specifically focused on use of force and de-escalation. Scenario-based training provides officers with realistic training situations and will enable them to hone their skills in a safe environment. These critical topics require constant reinforcement and emphasis on their importance from police and City leadership.

Recommendation 57.1: APD should prioritize the following topics for upcoming in-service training: implicit and racial bias, cultural sensitivity, and concepts of constitutional policing. APD should involve minority communities in the development of training curriculum.

Recommendation 57.2: APD should develop in-person scenario-based training for use of force and de-escalation.


Recommendation 57.3: APD should enforce the policy in General Order 3.1.35 *Emotionally Disturbed Persons* to ensure that refresher mental health training is occurring on an annual basis and instate auditing mechanisms to ensure future compliance.

Recommendation 57.4: Revise General Order 4.1.05 *Training: Organization and Functions* section IV to state that all employees of the APD, including non-sworn personnel, should receive at least the following instruction:

- Racial bias in policing
- Cultural sensitivity

Finding 58: APD maintains an active Crisis Intervention Team program.

As described in General Order 3.1.35 *Emotionally Disturbed Persons*, APD maintains a cadre of officers trained in Crisis Intervention Team (CIT) approaches and procedures. All officers are trained in basic



procedures for interacting with community members exhibiting signs of mental illness. CIT officers complete additional training and deploy to calls involving emotionally disturbed individuals to assist the responding officers. CIT officers are able to make referrals to social services available in Albany County.

Recommendation 58.1: APD should maintain language in General Order 3.1.25 *Missing Persons* emphasizing that CIT trained officers and incidents involving CIT deployment may require additional time completing the call for service, including time spent referring individuals to services.

Recommendation 58.2: APD should conduct an annual analysis of CIT resources and needs, based on calls for service, CIT personnel deployments, shift coverage, and other relevant factors. APD should use the results of this analysis to establish the need to recruit and train additional CIT officers, in order to ensure there is full-time CIT coverage at sufficient levels to respond to all necessary calls.

Finding 59: APD relies on an online platform (PowerDMS) for most trainings.

Interviewed personnel expressed that the majority of the training they receive is conducted through an online learning system known as PowerDMS. Although many departments across the country have transitioned to online learning, the impact of in-person training is crucial to an officer's knowledge and learning platform. Certain training topics including procedural justice, implicit bias, and cultural diversity are extremely important and should regularly be held in-person rather than through an online platform. It is also important to hold in-person trainings to ensure that officers can learn these concepts in a scenario-based manner through role playing.


Recommendation 59.1: APD should hold in-person training every two years for the following training topics:

- Procedural Justice
- Implicit Bias
- Cultural Diversity

Finding 60: APD's Academy training does not appear to include training on community-oriented policing or collaborative community problem-solving, and it includes only a short unit on procedural justice, though it does include a strong focus on bias and diversity.

Based on a review of the curriculum for a recent Academy program, the audit team found no mention of training on community-oriented policing or collaborative community problem-solving (e.g., the SARA model), and we found that only two hours are allocated to procedural justice topics. APD does dedicate 19.5 hours to cultural diversity, implicit bias, history of racism, and implicit bias, which is laudable.

Recommendation 60.1: APD should review the allocation of topics and time in the Academy training to ensure that all officers are trained in community-oriented policing practices and



strategies for collaborative community problem-solving including the SARA model, and that they emphasize procedural justice in all aspects of their work.

Recommendation 60.2: APD should maintain or increase the time spent on the topics of cultural diversity, implicit bias, and history of racism.

Public Comment



Conclusion

APD's participation in this audit and their willingness to improve their department's practices show how eager the department is to make changes and increase community trust. APD is pushing to enhance trust and transparency, and they intend to keep the city safe and treat all equally. APD is struggling to connect with all community members through the various community policing practices. The CNA team offers 62 findings with accompanying recommendations based on policy review, a review of data, interviews with personnel and community members, and a review of previous proposed reforms. APD has much work to do to enhance community trust and make space for community members to participate. APD's partnership with Common Council members, personnel from the Mayor's Office, community leaders, and the youth in the City of Albany are essential to help make the proposed changes and ensure they are institutional.

Finding 61: An independent, objective, and ongoing assessment of APD's progress towards the recommendations in this report will be crucial to the implementation and sustainment of the proposed changes.

To assist APD in implementing changes, the independent audit firm should provide insight over a 12- to 18-month period. During this timeframe, the firm can thoroughly document the implementation of the recommendations in this report. The activities and tasks the independent audit firm should conduct may include the following:

- Work with the APD, community leaders, and the City of Albany in prioritizing the implementation of the recommendations.
- Work with the APD, community leaders, and the City of Albany to identify the prioritization and implementation of steps for each recommendation.
- Work with the APD to identify the resources necessary to implement each recommendation.
- Track and document APD's progress towards implementing each recommendation.
- Provide technical assistance as needed (e.g., subject expertise, assistance identifying potential funding sources, website development assistance, training curriculum development, staffing analyses) to support APD in implementing recommendations.
- Work with APD, community leaders, and the City of Albany to develop and release quarterly progress updates.

Recommendation 61.1: The City of Albany and APD should engage an independent audit firm to track and monitor progress towards implementing the recommendations in this report.

Appendix A: Acronyms

Acronym	Definition
APD	Albany Police Department
BWC	Body-worn camera
CIT	Crisis Intervention Team
COPS Office	Office of Community Oriented Policing Services
CPRB	Community Policing Review Board
CRU	Community Response Unit
EST	Emergency Services Team
GO	General Order
G.R.E.A.T.	Gang Resistance Education and Training
LEAD	Leadership, Education, and Development
NASRO	National Association of School Resource Officers
NEU	Neighborhood Engagement Unit
PEWS	Personnel Early Warning System
PINS	Persons in Need of Supervision
SARA	Scanning, Analysis, Response, and Assessment
SBIRT	Screening, Brief Intervention and Referral to Treatment
SNPPI	Safer Neighborhoods Through Precision Policing Initiative
SRO	School Resources Officer
TRaC	To Reach and Connect

Appendix B: Resources

Throughout the report, the audit team suggested various resources to supplement the APD in the understanding and implementation of recommendations. Each of the specific resources listed are broken down and categorized by sections with their accompanying recommendation. Please note that this is not a comprehensive list of all resources that APD should use in understanding and implementing each recommendation.

Patrol operations, deployments and traffic stops

To support implementation of Recommendations 1.1 and 2.1, the audit team recommends the following resources:

Peer connection with the Maricopa County Sheriff's Office.

Complaints and civil rights lawsuits

To support implementation of Recommendations 13.2 and 13.3, the audit team recommends the following resources:


Office of Community Oriented Policing Services (n.d.). Standards and guidelines for internal affairs: Recommendations from a community of practice. Washington, DC: US Department of Justice. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p164-pub.pdf>

Stephens, Darrel W. (2011). Police discipline: A case for change. Washington, DC: US Department of Justice, National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/234052.pdf>

To support implementation of Recommendations 14.1, 14.2, and 14.3, the audit team recommends the following resources:

Amendola, Karen L. & Davis, Robert C. (2019). Best practices in early intervention system implementation and use in law enforcement agencies. Arlington, VA, National Police Foundation. Retrieved from <https://www.policefoundation.org/publication/best-practices-in-early-intervention-system-implementation-and-use-in-law-enforcement-agencies/>

Walker, Samuel. (2003). Early intervention systems for law enforcement agencies: A planning and management guide. Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-w0085-pub.pdf>



Peer connection with the Los Angeles Police Department regarding their early intervention system, TEAMS II.

Use of force

To support implementation of Recommendation 20.1, the audit team recommends the following resource:

Diaz, Adrian. (2019). 8.000 – Use of force core principles. Seattle, WA. Retrieved from Seattle Police Department Manual <https://www.seattle.gov/police-manual/title-8---use-of-force/8000---use-of-force-core-principles>

Community policing

To support implementation of Recommendation 26.N, the audit team recommends the following resources:

The Problem-Oriented Policing Center. "The Sarah Model." Available online: <https://popcenter.asu.edu/content/sara-model-0>.

To support implementation of Recommendation 27.1, the audit team recommends the following resources:

Office of Community Oriented Policing Services (2014). Community policing defined. Washington, DC: US Department of Justice. Retrieved from <https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf>

President's Task Force on 21st Century Policing (2015). Final report of the President's task force on 21st century policing. Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Retrieved from https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

To support implementation of Recommendation 33.1, the audit team recommends the following resources:

National Association of School Resource Officers (n.d.). Frequently asked questions. Retrieved from <https://www.nasro.org/faq/>

Office of Community Oriented Policing Services (2019). School resource officers and school-based policing. Washington, DC: US Department of Justice. Retrieved from https://cops.usdoj.gov/pdf/SRO_School_Policing_Factsheet.pdf

Office of Community Oriented Policing Services (n.d.). Supporting safe schools. Retrieved from <https://cops.usdoj.gov/supportingsafeschools>

Appendix C: Table of findings and recommendations

The below table is a list of findings and recommendations noted in the report. Along with each finding, we have designated a suggested timeframe for APD to implement the recommendation(s). Each designation is defined as:

- Short-term: Implementation is to be completed within 3 months.
- Medium-term: Implementation is to be completed within 1 year.
- Long-term: Implementation is to be completed within 2 years.

Also included in the table is a designation of required resources to aid the APD in implementation of each recommendation. The categories are listed below.

- Funding
- Training
- Personnel
- Technology
- Research and analysis
- Policy
- Community outreach
- Organizational change

It is important to note that technology includes physical technology, software, and IT resources and refers to new purchases, changes, and upgrades.

Finding No.	Finding	Recommendation	Suggested timeline	Required resources
1	APD does not collect race data for all traffic stops and does not include variables beyond date, time, address, age, sex, and sometimes race in their traffic stop databases.	<p>1.1 APD should revise their traffic stop data collection protocols to achieve the following objectives:</p> <ul style="list-style-type: none"> • Consolidate all traffic stops into a single data system • Collect driver race data for all traffic stops, as it is collected for stops ending in warnings and arrests • Record stop start and end time • Record stop latitude and longitude • Record the reason for the stop in a closed response (dropdown menu) format • Record the reason for the citation or the arrest, as applicable, in a closed response (dropdown or checkbox menu) format • Record whether a search was performed during the stop, the type of search (e.g., consent search, search incident to arrest, search under plain view doctrine, inventory search during vehicle impoundment), and whether a seizure resulted from the search 	Medium-term	Technology
2	APD's traffic stop activity has decreased substantially in the last five years.	2.1 APD should assess why traffic stop activity has decreased by more than half in the past five years and ensure the department is being responsive to community concerns about traffic safety and enforcement.	Medium-term	Research and analysis
3	The majority of APD traffic stops result in a citation.	3.1 APD should review traffic stop policies and procedures and assess implementing an education-based approach to traffic enforcement that emphasizes warnings over citations.	Medium-term	Policy
4	APD's "other" call type category represents a substantial number of calls, and APD has 48 categories	4.1 APD should analyze calls categorized under the "other" category and determine whether these calls should have been included in existing categories and whether additional categories are needed to capture information from these calls.	Medium-term	Technology, Research and analysis

	with fewer than 100 calls over five years.	4.2 APD should consider whether relatively low use call types (representing less than 20 calls per year on average) could be consolidated with other call types, such as the "other" category.	Medium-term	Technology, Research and analysis
5	Community members have concerns about disparate arrests for quality of life issues and resisting arrest charges.	5.1 APD should review all incidents involving resisting arrest charges or allegations, including a thorough review of body-worn camera footage, with particular attention to potential racial disparities. If necessary, APD should issue additional guidance and training about the use of the resisting arrest charge to ensure it is being used correctly.	Medium-term	Research and analysis
		5.2 APD should review procedures on quality of life issues and ensure that no disparate actions are being taken against minority communities.	Medium-term	Research and analysis
6	Patrol officers are aware of policy related to high-risk stops (stops in which the officer knows or reasonably believes the driver or other vehicle occupants are armed and dangerous); however, some lack experience in these particular events..	6.1 APD should have patrol supervisors discuss high-risk stops on a regular basis at roll call to ensure that new and veteran officers are consistently receiving a refresher on protocol.	Short-term	Training
7	APD conducts evaluations when their Emergency Services Team (EST) is deployed.	7.1 APD should implement a system in which larger and more high-profile operations are evaluated by an outside evaluator who did not participate in the operation.	Long-term	Research and analysis, Funding
8	APD has fully deployed BWCs to patrol personnel and is in the process of deploying BWCs to detective personnel.	8.1 APD should continue its practices related to BWC use and activation for patrol and traffic safety personnel.	Not applicable	
		8.2 APD should roll out BWCs in the detective unit as efficiently and expeditiously as possible.	Short-term	Technology
9	No policy guidance covers how officers are to use the live stream feature on their BWCs.	9.1 APD should clearly state in General Order 3.2.15 Body Worn Cameras how and when the Axon View should be used for live streaming purposes.	Short-term	Policy

10	APD BWC policy lacks established compliance and auditing procedures.	10.1 The supervisory review of BWC footage should be a randomized process in which the supervisors are given the exact videos they are to review.	Short-term	Policy
		10.2 APD should consider adding language to their BWC policy stating that officers are to tag their videos immediately after a call before moving on to a future call.	Short-term	Policy
11	Towing and removing vehicles in the City that are abandoned are the sole responsibilities of a small unit.	11.1 APD should consider shifting duties to the traffic unit for the removal of abandoned/junk vehicles to ensure more time for the NEU beat officers to engage with their community.	Medium-term	Policy, Organizational change
12	APD personnel do not have a clear understanding of the complaint process.	12.1 APD should clearly define the process of informing department employees of complaints against them and their required actions and associated rights.	Medium-term	Training
		12.2 APD should clearly define the process for officers to deliver internal complaints when the complaint is within their chain of command.	Medium-term	Policy
13	APD would benefit from including additional fields in their complaint database to facilitate more sophisticated analysis of the complaint process and outcomes and allow the identification of potential disparities in complaint adjudication.	13.1 APD should add a field in the complaint database to indicate the allegation type, severity, and specific corrective action taken in response to sustained complaint allegations.	Medium-term	Technology
14	APD's policy on the investigation of complaints does not include definitions for "office case" and "satisfied" outcomes.	14.1 APD should revise General Order 2.4.05 to include definitions for the office case and satisfied outcomes.	Short-term	Policy
15	APD's policies for discipline are clearly described in its	15.1 APD should develop a discipline matrix to ensure disciplinary decisions are fair and equitable for all personnel.	Medium-term	Policy

18	Complaints submitted by community members and external parties go through many stages throughout the investigations process.	18.1 APD should review and revise the procedures for intake, investigation, and disposition of community complaints to streamline the process.	Medium-term	Policy
		18.2 APD should publicize the complaint process widely so that the community is fully informed about how complaints are handled.	Medium-term	Community outreach
19	Community members are mistrustful of the APD complaint process.	19.1 APD should work with community leaders to revise the community complaint process to foster an environment in which community members feel safe filing a complaint and know that they will receive regular updates as well as notice of the final disposition of the complaint.	Medium-term	Community outreach
		19.2 APD should follow up on "office case" and "satisfied" dispositions carefully to ensure that the community member who submitted the complaint is notified of that disposition and its definition, and does not expect further action.	Medium-term	Policy, Community outreach
20	All personnel should exhibit professional behavior at all times.	20.1 Change the language in General Order 2.2.15 Harassment in the Workplace to remove the requirement that a co-worker must be present.	Short-term	Policy
21	APD's Use of Force Core Principles lacks specificity on whether force is justified when an officer or bystander's life could be in danger.	21.1 APD should consider revising General Order 1.3.00 Use of Force – Lethal Weapons with the following changes: <ul style="list-style-type: none"> • Under Section I.A.1.a, "The suspect is acting or threatening to cause death or serious physical injury to the officer or others." • Under Section I.A.1.a, "The suspect has the means or instrumentalities to injure an officer or others." • Under Section I.A.1.a, "The suspect has the opportunity and ability to use the means of instrumentalities to cause death or serious physical injury." • Under Section I.A.b.i, "Felony offense involving the infliction of serious physical injury or death." • Add language to Section I.A.c to include the suspect threatening to cause death or serious injury to the officer or others, with the means to do so. 	Short-term	Policy

22	APD's current policies allow for the use of orthochlorobenzal malononitrile (CS gas) in response to unlawful assembly and for the purposes of crowd dispersal, with approval from the incident commander overseeing response, after an audible warning of intended use, and with Emergency Medical Services on-site.	22.1 APD should review and revise their policy on the use of CS gas in response to unlawful assembly and for crowd dispersal purposes to align with emerging recommended practices regarding maintaining community trust during protest events. At a minimum, APD should expand this section of policy to clearly enumerate the specific circumstances in which CS gas can or cannot be used for these purposes.	Short-term	Policy
23	APD's policies on use of force do not currently include an explicit sanctity of life statement.	23.1 APD should revise GO 1.3.00 Use of Force – Less Lethal Weapons and 1.3.05 Use of Force – Lethal Weapons to include a sanctity of life statement presented clearly under such a header at the beginning of the policy.	Short-term	Policy
24	APD does not publish annual reports on their use of force incidents.	24.1 APD should produce a summary report annually on the use of force within the department that is publicly available to the entire City of Albany, New York.	Medium-term	Research and analysis, Community outreach
		24.2 APD should revise General Order 1.3.05 Use of Force – Lethal Weapons, section V.A. to include language stating that a summary report for the public on use of force incidents will be available on an annual basis.	Medium-term	Policy
25	APD codes use of force incidents so that the specific combination of incident, involved officer, type of force, incident of force, and involved community member can be discerned from standardized data fields.	25.1 APD should maintain its practice of documenting use of force incidents at the level of the incident plus the involved officer plus the involved community member.	Not applicable	

26	APD codes only one assessment of community member mental status for use of force incidents, even for incidents involving multiple community members.	26.1 APD should assess each involved community member's mental status individually using current policy for making these assessments and note each separately in the use of force report.	Medium-term	Training, Technology
27	APD includes an "other" category for use of force type.	27.1 APD should review use of force incidences coded as "other," including interviewing involved officers for clarification if necessary, and add new use of force type categories necessary to eliminate the "other" category.	Long-term	Research and analysis, Technology
28	Some use of force incident narratives are difficult to understand because of vague pronoun references, use of first person, and the lack of officer status designation in the APD use of force database.	28.1 APD should establish guidance for officers writing use of force incident reports, including avoiding the use of pronouns (he or she) in favor of names and eliminating the use of first-person narratives.	Medium-term	Training
		28.2 APD should implement a field in the use of force database to designate each officer by their status as related to the use of force (e.g., involved officer vs. witness).	Medium-term	Technology
29	For use of force incidents in which multiple officers are on the scene, APD's current policy is for a single officer to submit an incident narrative, with other officers on the scene co-signing that narrative.	29.1 APD should revisit its policy of requiring only a single use of force incident narrative submission and consider requiring each officer who used force during the incident to submit an independently generated narrative. Officers involved in the incident as witnesses should co-sign these narratives to indicate they reflect the incident accurately.	Short-term	Policy
30	Since 2009, the APD has committed to a community policing and engagement philosophy and culture. However, this commitment is not present throughout the	30.1 APD should ensure adequate staffing to prioritize officers' attendance at community engagement activities.	Long-term	Personnel
		30.2 APD should move towards a philosophy on community policing and engagement that is encouraged and embraced by all department personnel, rather than being conducted only by the NEU.	Long-term	Training

	agency, and the community does not feel APD genuinely connects with community members in a substantive manner. There is a clear disconnect between APD's intentions, policy, and leadership and the experience of the community.	30.3 APD should continue current community policing and engagement efforts with an emphasis on coordinating and prioritizing proactive problem-solving for quality of life issues. APD should ensure officers are trained in and actively implement the SARA model regularly as part of their engagement with the community.	Medium-term	Training
		30.4 APD should increase community policing and engagement training for the entire department. APD should use a combination of in-house and outside contractors to ensure a wide sample of best practices.	Medium-term	Training, Funding
		30.5 APD should develop new community policing strategies beyond pop-up cookouts, coffee with a cop, etc., offering a more formal presence in the community to create rapport with the community. These new efforts should be intertwined with community leaders' efforts to create a collaborative working environment.	Medium-term	Community outreach
31	APD's Vision, Mission, and Core Values, as documented in General Order 1.1.00, do not include an explicit commitment to community policing.	31.1 APD should incorporate community policing philosophy and associated principles explicitly into their Vision, Mission, and Core Values.	Short-term	Policy
32	APD has a strong commitment to recognizing officers for outstanding achievements.	32.1 APD should continue giving out these two achievement awards to continue working towards positive engagements with the community.	Not applicable	
33	The community is under the impression that the NEU is understaffed and has been reduced in staffing and resources recently.	33.1 When staffing levels allow, APD should reassign officers back to the NEU to ensure the unit can fully reach all neighborhoods within the city.	Long-term	Personnel
		33.2 APD should consider combining NEU officers, SROs, and Community Service Officers into a combined unit focused on Community Policing and Engagement under the command of a senior leader and incorporates non-sworn personnel such as case workers, outreach personnel, and victims' advocates. This	Long-term	Personnel, Organizational change

		would provide a pool of officers and additional staff for engagement activities and allow increased assignments outside of the Monday through Friday day shift.		
34	The selection process for officers assigned to the NEU lacks a formal structure.	34.1 APD should explore changing the NEU selection process (within the requirements of the collective bargaining agreement) to include community member input, since community members best understand what characteristics they would like to see in their assigned NEU officers.	Medium-term	Personnel, Community outreach
		34.2 APD should review officers currently assigned to the NEU to ensure that all exhibit a clear community orientation and a problem-solving attitude, and are endorsed by the community members they serve.	Short-term	Personnel
35	APD assigns SROs to the local school district, but this program is under-resourced. Stated SRO roles, per policy, do not include counseling and mentoring or emergency planning and critical incident response.	35.1 APD should ensure that GO 1.2.10 Diversion Programs and other SRO guidance are updated to reflect SROs' commitment to community policing, youth engagement, and recruiting, and to acknowledge SROs' role in emergency planning and critical incidents.	Short-term	Policy
		35.2 APD should develop a plan to expand, over time, the number of SROs to meet NASRO's recommended officer-to-student ratio in served schools.	Long-term	Personnel
		35.3 APD should reconfigure the assignments of officers to assign them according to geographic areas so that some officers can serve multiple schools.	Medium-term	Personnel
36	SROs do not contribute to the "school-to-prison" pipeline.	36.1 APD should continue to encourage SROs to develop innovative programs to encourage positive student behavior and to minimize their contribution to the school-to-prison pipeline.	Medium-term	Personnel
37	APD engages in formal youth engagement programs and activities but would benefit from gathering community input on the effectiveness of these programs and engaging	37.1 APD should maintain and, in some cases, revitalize existing youth engagement programs, based on community input.	Short-term	Personnel
		37.2 APD should develop policies to support officers engaging informally with youth, including opportunities out of uniform and in	Medium-term	Policy, Personnel

	in informal youth engagement outside of official programs.	venues naturally used by youth in the community, such as after-school community center recreation programs.		
38	Current LEAD policies and procedures leave the decision to refer eligible individuals to LEAD at the officer's discretion.	38.1 APD officers should refer all individuals meeting the eligibility criteria and not falling in an exclusion category to LEAD.	Short-term	Policy
		38.2: APD should collect data about LEAD referrals and non-referrals and regularly analyze this data to understand the reasons for non-referrals and the impact of specific exclusion criteria, particularly the criteria that the complainant is willing to decline prosecution.	Medium-term	Research and analysis
39	Patrol officers recently started conducting 20 minutes of foot patrol on each shift.	39.1 In General Order 3.1.00 Patrol Function under section II, APD should add letter D. A 20-minute foot patrol is required on each shift, as permitted, to engage with the community and strengthen relationships.	Short-term	Policy
		39.2 APD must increase buy-in from officers about this patrol activity to ensure that officers are interacting with the community in a positive way.	Short-term	Personnel, Training
40	APD has a clear explanation of the difference between protests and civil disturbances and demonstrates a strong emphasis on connecting with leaders of groups planning these events.	40.1 APD should add language to General Order 3.9.05 Pre-planned/High Risk Situations section IV.C.2.a that personnel shall attempt to ascertain the identity of leaders of the protests or civil disturbances.	Short-term	Policy
		40.2 APD should add language to General Order 3.9.05 section IV.C.2.a that states, "Supervisor shall attempt to open lines of communication with the leader of the group to ensure it remains a peaceful protest." APD should make this change in section III for high-risk situations as well.	Short-term	Policy
41	APD has a website embedded within the City of Albany's landing site; however, APD would benefit from a more modern website.	41.1 Depending on IT infrastructure, APD should consider creating its own website. If this is not possible, APD should reconstruct the current landing page on the City of Albany's site.	Long-term	Technology
		41.2 APD should make the following website content changes: • On the home page, move the mission and vision to the very top to ensure it is the first information that community members see when they visit the website.	Medium-term	Technology

		<ul style="list-style-type: none"> • Under the Administration landing page, APD should include a current organizational chart with names and positions. • Add information about the complaint process, preferably including the option to submit complaints online or via a digital form sent by email. • Add pages to host publicly released reports, such as annual use of force reports, complaint analysis, etc., so they are easily accessible to the public. 		
		41.3 APD should review all data and information on the website and ensure it is up to date and reflects current practices.	Short-term	Technology
42	APD maintains a documented recruitment plan for full-time sworn personnel, which includes a focus on recruiting individuals from underrepresented demographics and a goal for APD personnel demographics to reflect the community.	42.1 APD should continue to maintain and regularly update their strategic plan for recruitment, with particular attention to the effectiveness of its recruiting strategies.	Medium-term	Research and analysis
		42.2 APD should develop a similar recruitment plan for full-time non-sworn personnel.	Medium-term	Policy
		42.3 APD should develop a publicly releasable version of the annual recruitment plan analysis and make this report available to the community.	Medium-term	Community outreach
43	Though APD's recruitment plan emphasizes recruiting members of racial or ethnic minority groups, personnel demographics do not reflect community demographics. This lack of representation may be partly due to disparities in the hiring process.	43.1 The City of Albany should explore options locally and at the state level to implement a diversity preference for hiring, including the possibility of moving away from the civil service hiring system and petitioning for a change in state legislation.	Long-term	Policy
		43.2 APD should implement a system or database to track applications and applicant progress through the hiring process and analyze this data annually to identify racial, ethnic, or gender-based disparities at each stage of the hiring process. If such disparities are identified, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities. In particular, community members expressed concerns about applicants from ethnic or racial minority groups failing to meet the	Short-term	Technology, Policy

		physical fitness requirements at a disparate rate. APD could address this proactively by providing additional training or other options to prepare applicants for the test.		
		43.3 APD should disclose the diversity of the department to the public on an annual basis to promote transparency.	Medium-term	Community outreach
44	APD does not currently track data on promotion applications or applicants and promotion decisions in a formal system or database.	44.1 APD should establish a system to collect and retain data about the promotional process, including applicants, applicants' demographic information, relevant data considered for promotion decisions (e.g., Civil Service Exam results), and outcomes.	Short-term	Technology, Policy
		44.2 APD should analyze promotion data annually to identify racial, ethnic, or gender-based disparities in the promotion process. If such disparities exist, APD should investigate the root causes and, if possible, implement programs to ameliorate those disparities.	Medium-term	Research and analysis
45	Relationships between supervisors and their officers are very positive.	45.1 APD should continue working towards positive relationships between supervisors and officers, while looking for opportunities for daytime sergeants to interact more with their officers.	Not applicable	
		45.2 Supervisors should continue to routinely review officers' work and provide constructive feedback.	Not applicable	
46	APD's performance evaluation process for sworn and non-sworn personnel remains unclear and does not currently operate according to policy.	46.1 As part of General Order 2.3.05 Performance Evaluations and Career Development, APD should institute a specific procedure for ensuring all employees receive evaluations annually (e.g., officers receive reviews on their date-of-hire anniversary or all performance evaluations take place at the end of the fiscal year) with a designated command officer responsible for auditing. This will ensure all employees receive a current evaluation. This policy should also address procedures for employees who changed supervisors shortly before performance evaluations take place.	Medium-term	Policy
		46.2 APD should include a designated time period for evaluations of non-sworn full-time employees in General Order 2.3.05 Performance Evaluations and Career Development.	Medium-term	Policy

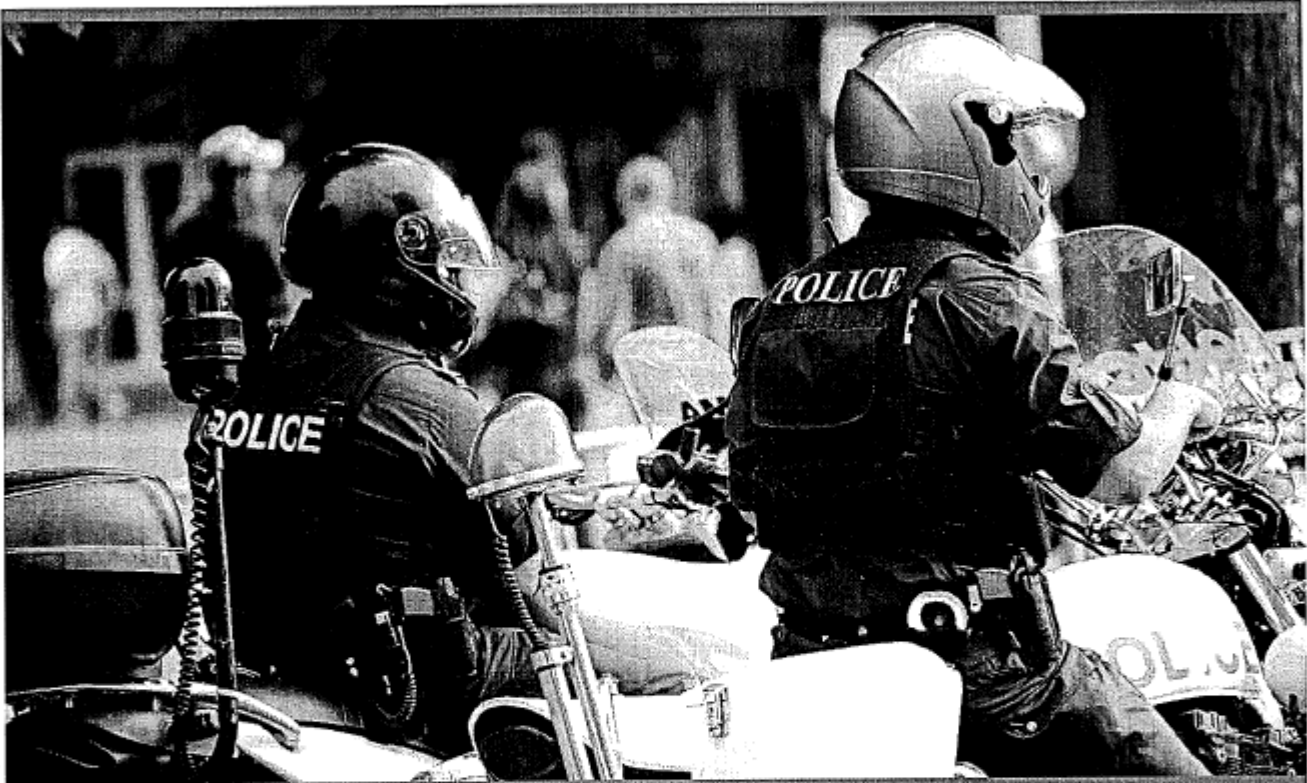
		46.3 On the Performance Evaluation Form, APD should include descriptions of all five choices (Outstanding, Excellent, Good, Needs Improvement, and Unsatisfactory) in the overall performance rating section.	Short-term	Policy
47	APD personnel are mistrustful of the promotional and specialty assignment process and feel it lacks transparency. This mistrust contributes to difficulty retaining sworn personnel.	47.1 APD should develop a completely transparent and open promotional process. If an interview board is used, a clear explanation of topics covered and evaluation criteria used should be posted in advance. Any selection that deviates from the current ranking should require a written explanation be supplied to the person(s) skipped over.	Medium-term	Personnel
		47.2 To avoid the appearance of favoritism, APD should consider delegating the oral interview component to a neutral law enforcement agency of similar demographics. Detail this change in General Order 2.3.10 Promotional Process in section I.F.3.a.	Long-term	Policy
		47.3 APD should develop a completely transparent and open specialty assignment process that is disseminated in advance. APD should post the ranking of candidates, and individual evaluations should be supplied to applicants. APD should update General Order 1.2.15 Specialized Assignments as necessary to reflect these procedures.	Medium-term	Personnel
		47.4 APD should consider announcing all openings that occur in specialized units, even if it is not required as part of the Collective Bargaining Agreement.	Short-term	Policy, Personnel
		47.5 If not already a standard practice, APD should engage in exit interviews with departing personnel. APD should analyze information gathered during exit interviews annually to ascertain whether recurring themes are present in personnel departures, and whether these can be addressed.	Short-term	Policy, Personnel
48	APD offers educational reimbursements for post-secondary educational expenses to eligible personnel.	48.1 APD should continue to offer educational reimbursements for post-secondary educational expenses.	Not applicable	
		48.2 APD should investigate the possibility of revising the Collective Bargaining Agreement to indicate that the educational	Long-term	Policy

		assistance program can be used to assist employees in obtaining a degree.		
49	Officers are concerned about their safety and wellness.	49.1 APD should review its health and wellness offerings and update them, as required.	Medium-term	Policy
		49.2 APD should ensure that all employees are aware of the health and wellness offerings provided by the department, including the Employee Assistance Program.	Medium-term	Personnel
		49.3 In General Order 2.3.30 Employee Fitness and Wellness Program, APD should revise policy in section II.C to allow employees to access the wellness facility other than just during their meal period.	Medium-term	Policy
50	Several APD General Orders require annual analyses of data on internal affairs investigations, use of force, recruitment, allegations of biased policing, and others.	50.1 APD should update all relevant policies to incorporate public release of results (in whole or part) from these annual analyses.	Long-term	Policy, Community outreach
		50.2 APD should ensure that these reports are posted and maintained on the APD website so they are readily accessible to the public.	Long-term	Community outreach
		50.3 Internal Affairs Reports and annual summaries should include breakdown analysis by race, when available.	Medium-term	Policy
51	APD leads or is involved in a number of programs and policing strategies covering a range of issues such as community engagement, diversion, mental health, homelessness, drug abuse, and delinquency prevention. However, there is limited evidence regarding the effectiveness of these programs in Albany.	51.1 The City of Albany and APD should coordinate to budget for external evaluations of some or all of these programs, through City budget allocations or through grant applications to state or federal funders, such as the DOJ, OJP, BJA, NIJ, or COPS.	Long-term	Funding
		51.2 The City of Albany and APD should coordinate with community leaders to gain community input on each program. Community members should continue playing an important role in the evaluation and review of these programs annually.	Medium-term	Research and analysis
52	Communication with officers after changes to General	52.1 APD should enforce required roll-call trainings after updates to General Orders, Special Orders, and Training Bulletins to	Medium-term	Training

	Orders, Special Orders, and Training Bulletins could be improved.	ensure that the mission behind the change is properly communicated to all officers in the department.		
53	APD currently assigns research, development, and strategic planning responsibilities to the Training Unit.	53.1 APD should consider establishing a dedicated Research and Planning Unit, staffed by sworn and non-sworn personnel, rather than incorporating these responsibilities into the Training Unit.	Long-term	Organizational change
54	The City of Albany is prohibited by New York State law from mandating a residency requirement for public safety personnel. The City does require that applicants to APD reside in the City in order to be hired, but APD does not have a residency requirement for officers and personnel to reside in the City of Albany after they are hired.	54.1 APD should review their personnel requirements to determine the feasibility of requiring that sworn officers reside in the City of Albany, including considerations related to the collective bargaining agreement.	Medium-term	Personnel, Policy
		54.2 APD should review its residency incentives and determine if they could be increased or improved.	Medium-term	Policy
55	The Community Policing Review Board and other community organizations have submitted formal reports and lists of recommendations to APD and the City of Albany in the past.	55.1 APD, along with the Mayor and the Common Council, should review past recommendations provided by CPRB and other groups and provide a formal response detailing anticipated action (or lack thereof) for each recommendation.	Short-term	Research and analysis, Community outreach
		55.2 APD, along with the Mayor and the Common Council, should institute policies that all recommendations provided in good faith from community organizations should receive a formal response, including an explanation of what actions will be taken in response to recommendations; if not all recommendations are to be implemented, an explanation should be provided.	Short-term	Policy, Community outreach
56	APD provides new supervisors with both classroom and field	56.1 APD should continue to offer newly promoted supervisors classroom and field training and should regularly revisit the topics	Not applicable	

	training within one year of promotion.	covered in the classroom training to ensure they reflect current departmental needs.		
		56.2 Revise General Order 1.1.15 Planning and Research in section IV.D to state that succession planning shall occur through formal training between supervisors, in-service trainings, and meetings rather than through informal training.	Medium-term	Policy, Personnel, Training
		56.3 Revise General Order 4.1.05 Training: Organization and Functions in section III to ensure that new sergeants receive training on effective completion of performance evaluations.	Medium-term	Policy, Personnel, Training
57	Current training does not emphasize police racial relations and understanding.	57.1 APD should prioritize the following topics for upcoming in-service training: implicit and racial bias, cultural sensitivity, and concepts of constitutional policing. APD should involve minority communities in the development of training curriculum.	Long-term	Training
		57.2 APD should develop in-person scenario-based training for use of force and de-escalation.	Long-term	Training
		57.3 APD should enforce the policy in General Order 3.1.35 Emotionally Disturbed Persons to ensure that refresher mental health training is occurring on an annual basis and instate auditing mechanisms to ensure future compliance.	Medium-term	Training, Policy
		57.4 Revise General Order 4.1.05 Training: Organization and Functions section IV to state that all employees of the APD, including non-sworn personnel, should receive at least the following instruction: <ul style="list-style-type: none"> • Racial bias in policing • Cultural sensitivity 	Medium-term	Policy
58	APD maintains an active Crisis Intervention Team program.	58.1 APD should maintain language in General Order 3.1.25 Missing Persons emphasizing that CIT trained officers and incidents involving CIT deployment may require additional time completing the call for service, including time spent referring individuals to services.	Not applicable	
		58.2 APD should conduct an annual analysis of CIT resources and needs, based on calls for service, CIT personnel deployments, shift coverage, and other relevant factors. APD	Long-term	Policy, Research and analysis,

		should use the results of this analysis to establish the need to recruit and train additional CIT officers, in order to ensure there is full-time CIT coverage at sufficient levels to respond to all necessary calls.		Personnel, Training
59	APD relies on an online platform (PowerDMS) for most trainings.	59.1 APD should hold in-person training every two years for the following training topics: <ul style="list-style-type: none"> • Procedural Justice • Implicit Bias • Cultural Diversity 	Long-term	Training
60	APD's Academy training does not appear to include training on community-oriented policing or collaborative community problem-solving, and it includes only a short unit on procedural justice, though it does include a strong focus on bias and diversity.	60.1 APD should review the allocation of topics and time in the Academy training to ensure that all officers are trained in community-oriented policing practices and strategies for collaborative community problem-solving including the SARA model, and that they emphasize procedural justice in all aspects of their work.	Long-term	Training
		60.2 APD should maintain or increase the time spent on the topics of cultural diversity, implicit bias, and history of racism.	Long-term	Training
61	An independent, objective, and ongoing assessment of APD's progress towards the recommendations in this report will be crucial to the implementation and sustainment of the proposed changes.	61.1 The City of Albany and APD should engage an independent audit firm to track and monitor progress towards implementing the recommendations in this report.	Short-term	Funding



Draft Report

METHUEN POLICE DEPARTMENT PERFORMANCE AUDIT

Edward Flynn, Debora Friedl, Keri Richardson, Monique Jenkins, and Brenda Bond



This document contains the best opinion of CNA at the time of issue.

Distribution:

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Acknowledgements

CNA acknowledges the support and assistance we received from Mayor Neil Perry, members of the Methuen City Council, and the Methuen Police Department in completing this report. The input, experiences, data, and resources we received were invaluable in conducting our research and compiling our findings and recommendations. The assistance and input provided throughout our assessment were essential to this audit.

Executive Summary

In May of 2020, the City of Methuen, through a competitive bid, selected the CNA Center for Justice Research and Innovation to conduct a performance audit of the Methuen Police Department (MPD). In conducting this audit, the CNA team developed an objective and in-depth understanding of MPD's operations in areas including budget, equipment, training, staffing levels, and processes (hiring, equipment acquisition, and development of policies and procedures). After the onset of the audit, the CNA audit team was made aware of concerns about department leadership, organizational culture, and department personnel morale. Although the City of Methuen did not originally contract with the CNA audit team to explore these issues, we expanded the scope of our inquiry and this report to reflect these emerging topics.

The CNA audit team developed this report by reviewing department operations, policies, procedures, general orders, department data, and culture. The report includes findings and actionable recommendations that outline specific items for improvement related to different areas of department operation. To develop these, we compared MPD's standard operating procedures with national best and evidence-based practices, Massachusetts Police Accreditation Standards, and practices of similar Massachusetts law enforcement agencies. The audit team also collected data from interviews and surveys of department personnel. This report presents the results, findings, and recommendations from the audit.

CNA's comprehensive assessment of MPD included an examination of the following:

- Organizational structure and governance
- Budgeting and planning
- Operating policies and procedures
- Department culture
- Professional standards and accountability

As a result of this audit, our key findings include:

- MPD lacks a formal procedure or process for conducting a comprehensive review of policies and procedures on a regular basis.
- Members of the organization do not trust the department's use of the assessment center to make promotional decisions because there seem to be conflicting interests involved in the process.
- The MPD's high number of assigned specialist positions is not warranted, given its size and operations.
- There is widespread perception that favoritism affects management and discipline decisions within the MPD.
- MPD officers do not feel confident in making formal or informal complaints or expressing concern relating to department operations and management.
- The demographics of MPD are not representative of the demographics of the City of Methuen.

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Introduction

The constantly evolving nature of public safety provides daily challenges to law enforcement agencies nationwide, as evidenced by the increase in public scrutiny on police-community relations in the past few years, the rapidly evolving use of technology and social media, and the recent challenges related to the public health and safety crisis of COVID-19. Law enforcement agencies must be nimble and responsive to these challenges by assessing, adapting, and improving their organizational policies and practices to reflect the values of their communities, align with best practices in the field, and adhere to the law enforcement standards within their states. Municipal leaders can also face challenges in addressing these large-scale issues that affect public safety at the local level in their communities. Evaluations of department performance can help identify these issues and develop helpful and corrective solutions that promote public safety.

In 2020, the City of Methuen and the Methuen Police Department (MPD) embarked on a valuable and important effort to address such challenges. In May 2020, through a competitive bid, the City selected the CNA Center for Justice Research and Innovation to conduct a performance audit of the MPD.

The City of Methuen's local news outlet, the Eagle Tribune, documented much of the process of this audit, capturing the sometimes sensitive nature of this work and its consequences. Early on, much of the reporting focused on the administrative aspects of the audit,¹ but as the work continued, headlines highlighted the tense emotions emerging regarding the department. As concerns and criticisms of the department mounted, there was a vote of no confidence in MPD about Chief Joe Solomon on August 31, 2020,² and the department's promotional process was publically called into question.³

The city council had initial concerns about the scope and impartiality of the audit. Members wanted to ensure there would be no interference, either from outside or from involved parties. As a result of the conversations with the city council, the CNA audit team shifted from evaluating only the objective operational components of MPD to also evaluating the culture, morale, and reputational issues of the department.

Concurrent to the audit team's work, the Massachusetts Office of the Inspector General (OIG) conducted its own investigation and released a report that summarizes its findings. Although the findings of this audit align with the findings in the OIG report, those findings did not influence the development of the conclusions drawn by the CNA audit team.

¹ https://www.eagletribune.com/news/merrimack_valley/methuen-mayor-councilors-push-ahead-with-audit/article_d5f9c5a5-8317-5ffa-abe2-1892438f06ea.html

² https://www.eagletribune.com/news/merrimack_valley/council-votes-no-confidence-in-solomon/article_bb8921b0-ee02-5e52-80c6-7ee2c58821e6.html

³ https://www.eagletribune.com/news/merrimack_valley/2017-methuen-police-promotions-in-doubt-as-video-surfaces/article_6b52624b-5664-566d-a79b-7b69864a8008.html

In developing this report, the CNA team aimed to provide insightful findings regarding MPD structure and operations, as well as actionable recommendations that MPD and the City can implement immediately. The CNA audit team, comprised of practitioners, academics, and research staff, was able to develop an objective and in-depth understanding of MPD's operations in areas ranging from budget and financial management, facilities, training, and staffing levels and processes (hiring, equipment, and policies and procedures). Because of safety restrictions enacted in response to the COVID-19 pandemic, this audit was conducted virtually through online surveys, electronic data sharing, and virtual meeting platforms. CNA performed this audit using its proven evidence-based approach to develop findings and recommendations for MPD. Five major activities comprise this approach: (1) data collection, (2) identification of best practices and innovations, (3) gap analysis, (4) observations and findings documented in draft topical reports, and (5) development of a final report.

Goals and objectives

CNA designed this audit to accomplish the following:

- Collect and analyze data related to department structure, operation, and cultural perceptions.
- Identify existing areas of performance that need improvement, including MPD's organizational and budgetary policy and practice.
- Align MPD operations with professional standards and innovative practices.
- Recommend operational and organizational strategies that allow MPD staff to work in the most efficient and effective manner.

Audit areas of focus

The goal of this audit was to gain an objective and in-depth understanding of MPD's operations in areas ranging from budgeting, management, processes, policies, and procedures. We additionally considered the department's culture and leadership. During our review, the audit team explored areas of the department's organization and operation including promotions, hiring, discipline, organization, culture, and staffing, as well as the perceptions of members of the organization. The audit team report reflects findings in these areas as well as other emerging themes that arose during interviews, policy reviews, document analysis, and work environment surveys.

The resulting findings and recommendations from this audit are organized in the following sections:

1. Organizational structure and governance
2. Planning and budgeting
3. Operating policy and procedures
4. Department culture

Methodology and approach

The CNA audit team based its approach on a number of guiding principles, including the following: (1) evidence-based assistance with an emphasis on research, including both academic research and documented lessons learned and best practices from the field; (2) a multimethod assessment design, including interviews, policy and document review, administrative data review, and survey analysis; and (3) a commitment to conducting a comprehensive review and applying best practices in police settings. CNA's methodology included three major components, described below.

Document review

The CNA audit team reviewed MPD's staffing structure, operations manual, policies and procedures, and other documents that govern the areas of this audit. The team reviewed MPD documents from up to the past 5 years. One key goal of this audit was to review some of the high-liability policies and practices in such areas as use of force, special operations, emergency vehicle operations, and high speed pursuit. In addition to these policies, we also reviewed department budgets, annual reports, department staffing information, and disciplinary records. During this review, our team consulted information pertaining to national best practices, such as the *Report of the President's Task Force on 21st Century Policing*,⁴ Massachusetts Police Accreditation Standards, and practices from other Massachusetts law enforcement organizations to develop our findings.

The MPD and the City of Methuen shared policy documents with the CNA audit team to provide a better understanding of documented operational procedures and practices. The MPD provided the audit team with its policy and procedure manual, which contained an index that classified 94 department policies into 13 sections: organization and administration, personnel administration, training and career development, standards of conduct, general management, operations, investigations, traffic, transportation and detention of prisoners, emergency procedures, property management, records, and communications.

The CNA audit team reviewed all policies provided with particular attention on areas that are considered high-liability/high-risk management areas for police agencies, which include the following: agency authority, jurisdiction, and use of force; recruitment, selection, hiring, and promotion of personnel; training, discipline, and internal affairs; prisoner transportation and holding facilities; property and evidence control; off-duty conduct and employment; search and seizure including arrest; special operations; emergency vehicle operations and high speed pursuit.

⁴ *Final Report of the President's Task Force on 21st Century Policing*, 2015

Administrative data

In coordination with MPD, the CNA audit team requested administrative data to support the performance audit. We collected data on organization, staffing, budgets, contracts, facilities and equipment, procurement, discipline, promotions, and organizational procedures. The team requested and reviewed MPD data from up to the past 5 years.

The CNA audit team also gathered information from other Massachusetts police agencies that are comparable to MPD. These agencies—Peabody, Salem (MA), Haverhill, Malden, and Medford—are similar in local population, size of agency, annual crime numbers, and annual department budget. After gathering information from these agencies, the CNA audit team conducted a comparison analysis of local crime, budget, and department staffing across the departments.

Interviews

The CNA audit team conducted 32 semi-structured interviews with individuals who work with and for the City of Methuen and MPD, including the chief, representatives from the command staff, the Public Safety Committee Chair, and MPD sworn and civilian personnel. Because of the COVID-19 pandemic, our team conducted all interviews virtually in accordance with national public safety guidelines. The results from these interviews are representative of the individuals who requested to be interviewed by our team, not necessarily of the entire department. In line with best practices, we ensured the complete anonymity of those who participated in our interviews. The interviews provided a major source of qualitative data for our assessment of the department.

Work environment survey

In August 2020, the CNA audit team administered a work environment survey to all MPD employees to gather input and feedback about employee satisfaction and employee perceptions of the work environment. To ensure that the survey instrument was objective and reliable and that the questions reflected contemporary policing policy and practice, CNA relied on the survey instrument utilized by the National Police Research Platform and the Pew Research Center in 2016.⁵ This national police survey has been in use for over a decade and with multiple police agencies across the country. We modified the questions to focus on all personnel in the MPD (sworn and civilian).

Overview of the report

This report contains four sections. The first three sections highlight the major themes that we identified based on our analysis of data from comparison analysis, interviews, and surveys. These sections summarize our assessment and conclusions, which support the report findings and

⁵ <https://www.pewsocialtrends.org/2017/01/11/behind-the-badge/>

recommendations in the fourth section. In the fourth section, we review our overall conclusions and provide key findings and recommendations related to the various audit topics: organizational structure and governance, operational policy and procedure, department culture, budget and planning, and accountability and professional standards. In each section, we provide a description of the topic area, a summary of the overall themes we identified (including overviews of the perspectives of those involved with the department), and our detailed findings and actionable recommendations for the MPD.

Section 1: Comparison Analysis

The MPD and the City of Methuen provided the CNA audit team with data on staffing, budgets, equipment, technology, and other administrative areas. Our team used this information to outline how MPD's practices align with best practices and standards and with the practices of other Massachusetts law enforcement agencies of similar size and resources, according to data from the past three years.

The audit team identified five Massachusetts cities that are comparable to Methuen in terms of characteristics such as population, geographic size, and budget. These cities are Haverhill, Malden, Medford, Peabody, and Salem (MA). The following tables reflect several key areas including crime data, budget, and staffing.

Crime data

As presented in Table 1, the overall crime level in Methuen is midrange in relation to the comparison cities and substantially lower than the level in the nearest city of Haverhill. A low crime rate is certainly a target of any police agency and community.

Table 1. Crime data for Methuen and comparable cities, 2019⁶

	Population	Violent Incidents (count and rate)	Violent Offenses (count and rate)	Crimes Against Person Arrests (count and rate)	Crimes Against Property Arrests (count and rate)	Crimes Against Society Arrests (count and rate)	Drug Sale Arrests (count and rate)	Drug Possession Arrests (count and rate)	Arrest Totals (count and rate)
Methuen	50,727	84	95	184	129	267	46	132	580
		16.6	18.7	36.3	25.4	52.6	9.1	26.0	114.3
Haverhill	63,935	303	354	728	301	513	100	152	1542
		47.4	55.4	113.9	47.1	80.2	15.6	23.8	241.2
Malden	60,746	148	170	188	64	109	8	16	361
		24.4	28.0	30.9	10.5	17.9	1.3	2.6	59.4
Medford	57,484	107	123	115	43	114	50	30	272
		18.6	21.4	20.0	7.5	19.8	8.7	5.2	47.3
Peabody	53,104	113	123	253	118	394	20	46	765
		21.3	23.2	47.6	22.2	74.2	3.8	8.7	144.1
Salem	43,443	97	108	328	149	332	76	120	809
		22.3	24.9	75.5	34.3	76.4	17.5	27.6	186.2

⁶ The 2019 crime data is from the Federal Bureau of Investigation's National Incident-Based Reporting System (NIBRS). Rates represent the number of incidents, offenses, or arrests per 10,000 population.

Annual budget

Table 2 presents the 2021 budgets for Methuen and comparison cities, according to the local fiscal year (FY) budgets for the cities. The overall FY 2021 MPD budget aligns with the comparison cities. As indicated across all of the comparison cities, personnel costs are by far the greatest percentage of the total police budget. As the Methuen personnel costs increase substantially in the future, it will require either a corresponding significant increase in the overall budget or a substantial reduction in other areas of the budget.

Table 2. Fiscal year 2021 budgets for Methuen comparable cities

	Total Budget	Personnel Costs	Overtime
Methuen	\$11,378,423	\$10,461,703	\$466,527
Haverhill	\$13,530,805	\$11,740,611	\$2,942,241
Malden	\$11,390,308	\$9,180,103	\$200,000
Medford	\$14,333,556	\$13,274,806	\$1,248,000
Peabody	\$10,447,492	\$9,905,992	\$700,000
Salem	\$10,705,402	\$10,012,200	\$989,592

Wide disparities exist among the cities in terms of overtime spending. The wage structure has potentially the most significant effect on the Methuen budget and overtime spending. The audit team is aware of ongoing arbitration relative to the wages of Chief Solomon and the superior officers. The topic of the wage contracts has received extensive media attention and was noted by many interviewees as having created a negative perception within the community. Perhaps the biggest challenge the audit team faced was the lack of access to precise figures. Chief Solomon indicated that he was being paid substantially less than his contract required. Additionally, Captain Greg Gallant, president of the Superior Officers union, was not able to provide salary information for the superior officers because of the pending arbitration. What can be stated is that Chief Solomon's posted salary exceeds \$300,000, which makes him the highest paid police chief in Massachusetts, significantly above all others according to salary information provided by the Massachusetts Major Cities Chiefs organization.

Staffing

Table 3 displays the staffing counts for MPD and comparison cities. MPD has a relatively higher number of personnel assigned to specialist positions, dedicating 31 percent of personnel to those roles. In comparison, Haverhill has the next highest proportion of specialist personnel at 19 percent.

Table 3. Personnel counts for Methuen and comparable cities

	Total Sworn	Specialist Positions	Deputy Chief	Captain	Lieutenant	Sergeant	Patrol Officer
Methuen	98	30	0	3	6	10	63
Haverhill	110	21	1	3	8	12	85
Malden	104	14	0	4	7	16	76
Medford	114		0	3	9	16	85
Peabody	87	12	0	5	5	15	61
Salem	97	14	0	4	9	13	71

Based on the National Incident-Based Reporting System (NIBRS) data presented in Table 3 and other information the audit team gathered, this emphasis on specialist roles in the department does not seem justified. For example, MPD recently realigned the narcotics investigation function after disbanding the Homeland Security/Narcotics Unit. However, having six detectives plus supervisors assigned to a unit that averages less than one drug sales arrest per week is not an effective use of resources. Even if there is a reduction in this unit, the Criminal Detective Division and the narcotics task forces should still be able to provide narcotics investigation resources. Drug possession arrests would require further analysis, but these are generally made by patrol officers or during searches incidental to arrest, and are thus not the direct result of drug unit activity.

Section 2: Survey Analysis

To complement the department data analysis and interviews, the CNA audit team administered a workplace survey in August 2020 to all MPD personnel. Administering a work environment survey was critical to this audit because it provided an opportunity for all members of the MPD to anonymously share their concerns and experiences relative to MPD operations and direction. To ensure objectivity and to align with best practices in police surveying, we consulted the Pew Research Center's national policing survey, conducted in collaboration with the National Police Research Platform (NPRP). The survey, conducted by the NPRP in 2016, has been used by police departments for decades to gauge the perceptions and experiences of police officers across the United States.⁷ The CNA audit team adopted this survey, modifying it in structure and language to the Methuen context. See Appendix B for a copy of the survey.

Survey administration

Our process for administering and analyzing the survey was guided by the Dillman Tailored Design survey methodology, an evidence-based practice on survey administration (2014).⁸ The Dillman survey methodology is a tested and trusted methodology for obtaining high survey response rates across a number of mediums, including paper, mail, and online surveying.

In following the Dillman Tailored Design, the CNA audit team requested MPD personnel email addresses, which we used to recruit survey respondents. We administered the surveys via CHECKBOX, an online survey tool that allows for the administration and analysis of large-scale surveys and, in this case, would ensure respondent confidentiality. The CNA audit team sent an introductory email to all MPD employees approximately one day prior to the survey release, informing them of the upcoming survey. We then sent an email with the embedded survey link to all respondents one business day following the initial email. The CNA audit team sent out three personalized weekly reminders to all MPD employees who had not yet responded.

About the survey respondents

Survey response rates typically hover around 30–35 percent; however, for this survey, we contacted 145 individuals listed as MPD employees, and 104 of them completed surveys—a 72 percent survey response rate. Our goal was to reflect as many employees as possible. In this instance, the number of responses in relation to the total number of employees suggests that the results are reflective of the entire MPD workplace population.

⁷ <https://www.pewsocialtrends.org/2017/01/11/behind-the-badge/>

⁸ Dillman, D.A., Smyth, J.D. & Christian, L.M. (2014). *Internet, Phone, Mail and Mixed-Mode Surveys: The Tailored Design Method*. Wiley Publishing.

Of the total, 88 identified themselves as sworn personnel, and 16 identified as civilian employees. The roles/functions that best described their work in the MPD were frontline (officer, investigator), 53 percent; civilian staff (not manager/supervisor), 12 percent; sworn supervisor, 14.6 percent; prefer not to answer, 21 percent (see Figure 1). These response rates are generally reflective of the overall department employee breakdown according to the MPD data (see Figure 2).

Just over 12 percent identified as female respondents, and 63.9 percent identified as male. Almost 24 percent of respondents preferred not to answer this question. Their racial/ethnic backgrounds were reported as just over 69 percent White/Caucasian, 1 percent Black/African, 1 percent Middle Eastern/North African, and just over 5 percent Hispanic, Latino, or Spanish. Nearly 24 percent preferred not to answer.

Figure 1. What role/function best describes your work in the MPD?

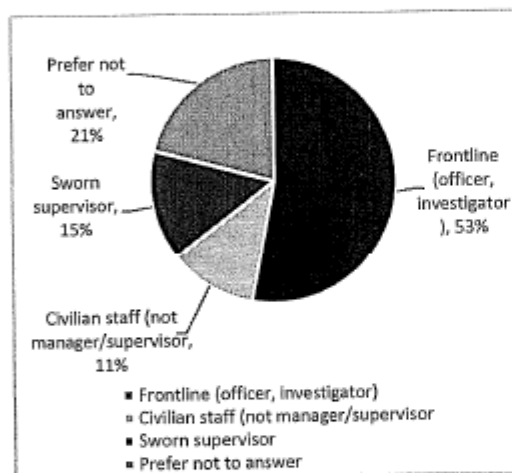
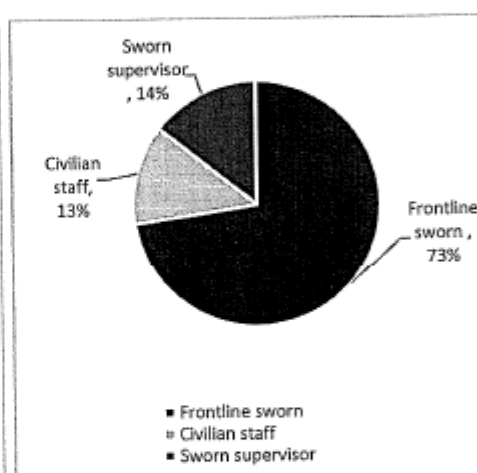


Figure 2. MPD employee breakdown

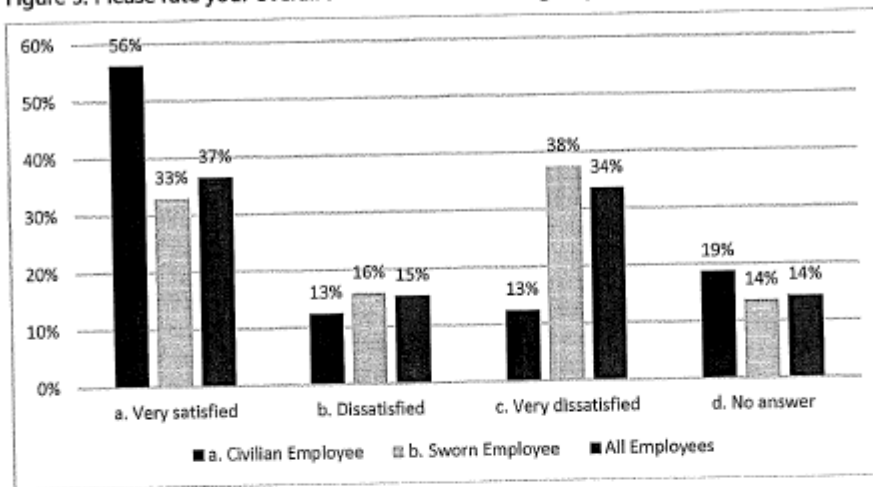


Survey results

In this section, we summarize the survey results. In general, the survey showed significant differences in perceptions and experiences reported by MPD employees. Survey results revealed a highly divided police department, in which the divides seem grounded in policy and practice implementation as well as organizational cultural deficiencies. These divides are reflected below in our analysis of the survey responses, but also in comments received in the final survey item.

A key question was **"what is your overall satisfaction with the agency as a place to work?"** In response, 49 percent of all employees were either dissatisfied or very dissatisfied, about 37 percent were very satisfied, and about 14 percent did not answer. Figure 3 shows a breakdown of the responses from both civilian and sworn employees.

Figure 3. Please rate your overall satisfaction with the agency as a place to work



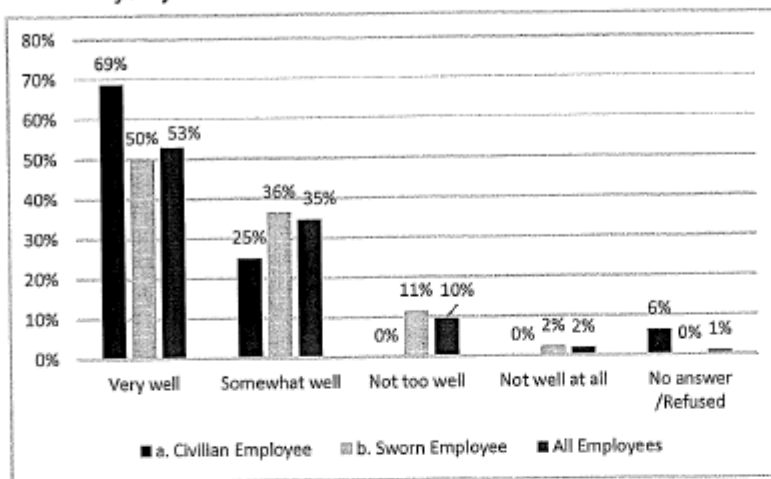
In responses to other questions, some employees reported feeling supported by top management and felt they had adequate information about the direction of the MPD, while others did not feel supported, nor did they feel that management does a good enough job communicating expectations, policies, procedures, future direction or strategic plans, and opportunities for advancement. Moreover, 77 percent of respondents indicated that the department hardly or never asks for their input on decisions that will affect them. Despite these mixed results, over 90 percent were strongly committed to making the agency successful.

More than one-third (38 percent) were either extremely or very supportive of the direction that top management was taking the MPD, with the majority of those respondents serving in supervisory roles. The majority (88 percent) reported that the department trains them adequately for their job, and the same majority reported that the department adequately equips them for their job.

Training is an area in which we would suggest MPD introduce more consistency and transparency. We asked, "In general, how well does your department do each of the following: Train you adequately for your job?" We learned that though many receive training across a range of topics and competencies, some have received no training at all in some areas. Figure 4 below reveals the distribution of responses relative to training.

⁹ This question also asked participants to describe how well the department communicates job responsibilities and equips officers to adequately perform their job

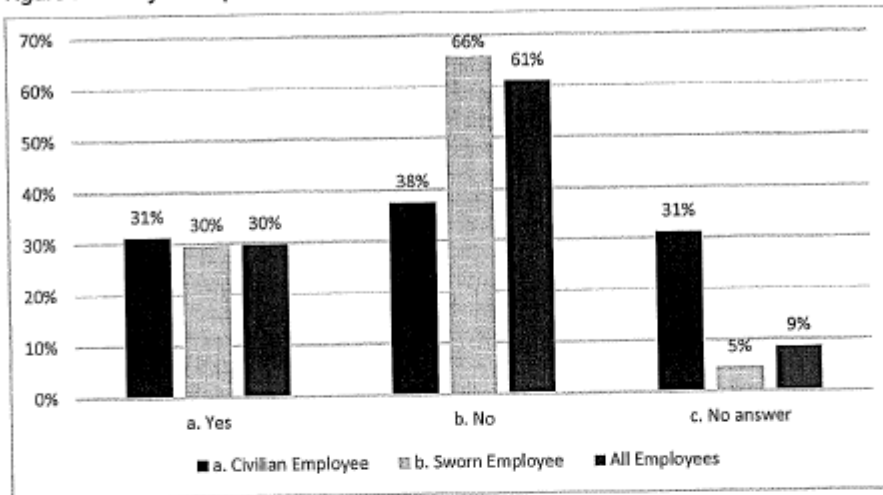
Figure 4. In general, how well does your department do each of the following: Train you adequately for your job



When asked about supervision, approximately 57 percent reported that their supervisor treats them with respect, though only 36 percent said that this was always the case. Over 20 percent said that this occurs only sometimes.

The survey asked MPD personnel a series of questions regarding work in the community. The majority reported that MPD leadership does provide support for officers in regards to showing concern and respect for the community. In relation to how officers conduct their work, 94 percent reported that it is very and somewhat important for law enforcement officers to be knowledgeable about what research shows to be effective policing strategies. The same percentage reported that it is important for law enforcement officers to have detailed knowledge of the people, places, and culture in the areas they routinely work. Importantly, 61 percent of MPD employees indicated that the MPD does not have enough police officers to adequately police the community. Figure 5 depicts these responses.

Figure 5. Does your department have enough officers to adequately police the community?



The survey results highlighted consistent differences in opinions across a number of internal processes. These results point to a strong need to improve internal communications and understanding relative to "how things work" in the MPD. Consistency and transparency are at the heart of these differences.

Regarding assignments and promotions, responses revealed greater differences in perceptions. In Table 4, we present some of those results.

Table 4. Employee perceptions of treatment

	Percent
Men are treated better than women	11%
Women are treated better than men	7%
Men and women are treated about the same	66%
No answer	16%
White people and minorities are treated about the same	78%
White people are treated better than minorities	7%
No answer	15%

In addition, there were significant disagreements about the promotional process being fair and transparent. Only 23 percent of respondents reported that the MPD has a fair and transparent promotional process, while many believed that being favored by MPD leadership influences promotional process decisions. In terms of new assignments, less than one-third (29 percent) believed that the MPD has and communicates a fair and transparent process for new assignments, and their perceptions of favoritism by MPD leadership mirrored their perceptions of the promotional

process. We observed similar patterns when asking respondents about MPD disciplinary actions. Respondents expressed mixed perceptions regarding adequate levels of counseling and coaching as a first step in performance improvement. However, only 30 percent of respondents believed that the MPD has and communicates a fair and transparent process for disciplinary action, and 47 percent believed that the process favors individuals who have connections to MPD leaders.

Open-ended response analysis

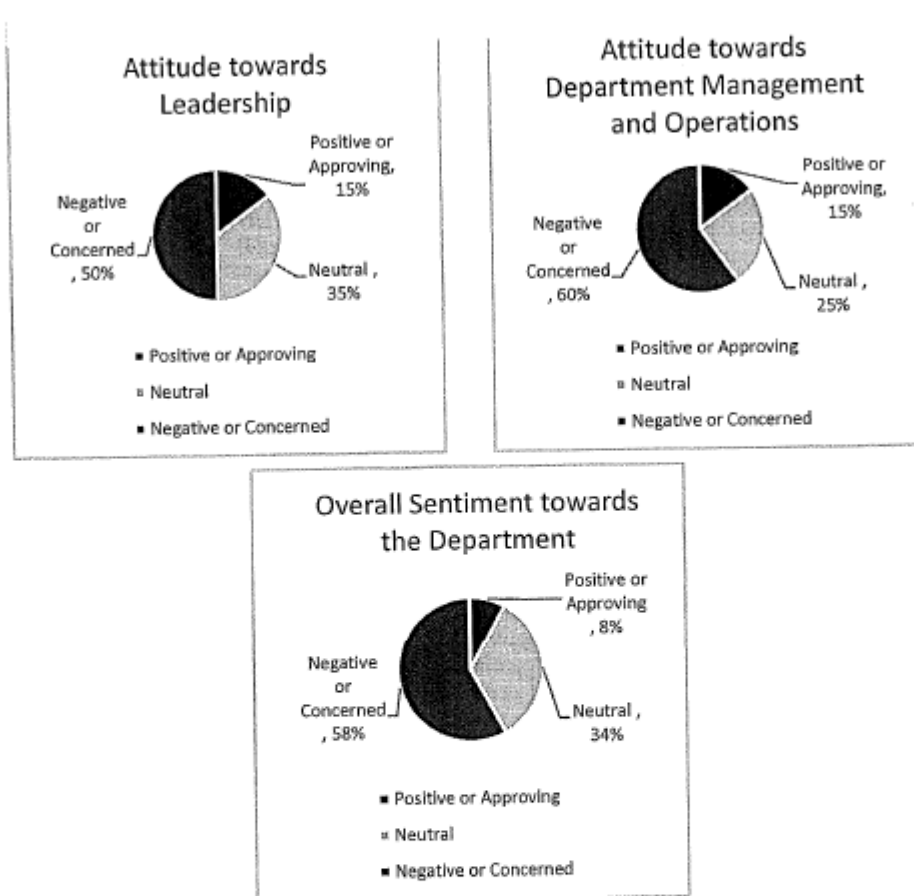
A final optional survey item allowed respondents to add comments in an open-ended format. Specifically, we asked, **"If there is anything else that you would like to share with the audit team, please add your comments here."** Our analysis of responses to this item adhered to best practices in analyzing qualitative data through which the data are reviewed and coded for common themes and patterns in responses. These themes are inductive, meaning they arise from common terms used in the responses, rather than from themes the researchers identify in advance.¹⁰

A total of 48 coded responses were provided for this one item. In other words, of the 104 respondents, 48 (46 percent) provided additional comments related to department operations or culture in the open-ended item. Comments that mentioned topics that fell outside the scope of this audit were not included in this analysis. We recognize that these responses are not reflective of all survey respondents; rather, these comments are from respondents who wanted to share additional information about their opinions and experiences. These responses add to what we learned in the interviews since the data gleaned from this item mirror the interview data in tone and themes.

The following figures summarize this qualitative analysis. To start, Figure 6 provides a high-level overview of themes, analyzing each response according to three categories: (1) the **Attitude towards Department Management and Operations** category describes comments regarding how the department is managed and how daily operations are performed, (2) the **Attitude towards Leadership** category describes comments regarding department leadership, and (3) the **Overall Sentiment towards the Department** category describes comments regarding the morale or attitude of the department members. The analysis sought to summarize the overall sentiment of each of the 48 open responses as positive/approving, neutral, or negative/concerned in relation to each of the categories.

¹⁰ Patton, M.Q. (2014). *Qualitative Research and Evaluation Methods: Integrating Theory and Practice* (4th Edition). Sage Publications.

Figure 6. Open-ended response sentiment analysis



We also analyzed how many times a specific topic was mentioned in the open-ended responses (e.g., 30 of the open-ended responses mentioned promotion, hiring, and discipline) and examined the sentiment related to that response. This analysis describes the overall sentiment of the input across the open-ended responses, categorized as being either approving, disapproving, or neutral (e.g., 14 percent of responses that mentioned "department management and operations" were approving). Among the most frequently mentioned topics were department management and operations; promotion, hiring, and discipline; treatment of employees and leadership; and employee relationships. Note that the comments in the open-ended response item were more often negative; however, some topics elicited more negative responses than others. These results reveal areas of concern relevant to many personnel and can help MPD determine where to focus their priorities

when making improvements. Table 5 provides more detail relative to these topics to describe the themes across the open-ended response item.

Table 5. Open-ended question response summary

	Positive or Approving	Neutral	Negative or Disapproving	Total Mentions
Promotion, Hiring, and Discipline	7%	7%	86%	30
Treatment of Employees	0%	0%	100%	23
Department Management and Operations	14%	0%	86%	22
Leadership and Employee Relationships	0%	0%	100%	20
Training and Academy	27%	18%	55%	11
Policy, Procedure, and Strategies	17%	0%	83%	6
Employee Salaries and Benefits	0%	0%	100%	4

The survey results highlight some key strengths of the department, revealing that MPD personnel (sworn and civilian) are committed to making the MPD the best it can be. There is a strong desire to live up to standards of excellence for the community and for the profession. Many survey respondents also expressed satisfaction with the training and resources provided to them. However, the results reveal significant concerns related to a number of internal processes and practices. In fact, the analysis above suggests that the number of disapproving sentiments and experiences pertaining to administrative, management, and operational aspects of the MPD is far greater than the positive ones. Although these comments come from only a percentage of survey respondents, their sentiments align with what we learned in other aspects of this review. The quotations here reflect the range of differences in perceptions, but they show the need for significant attention to internal processes and practices.

"I feel that the in-house training provided (firearms, defensive tactics, taser, baton, OC spray) has consistently been very good throughout my career."

"The department has the potential to be one of the best Police Departments in the country. The problem is, there are certain individuals that want to cause problems due to jealousy and negativity. Those same people have caused a great deal of divide and have spread negativity throughout."

"There is not so much an issue with supervision, but with leadership. Accountability is not evenly distributed from person to person. Likewise for a fair promotion/ special assignment process."

"In general, the MPD administration has shown very unfair practice when it comes to discipline, promotions, and specialty assignments. Also, only patrolmen which consists of 32 men on the road are the only ones to be ordered into work for shifts. The overall morale for this department is extremely toxic and volatile!!"

"The Dept is at an all-time low when it comes to morale. Good men and woman have taken less paying jobs due to the direction this Dept. Has moved in. Racism is at an all-time high. In this Dept. Minorities are not given the same opportunities that the white officer is given. Officers are held to a different standard then the administration is held to."

As these quotations demonstrate, the need for consistency, fairness, and transparency was a consistent theme in this employee survey. Inconsistent policy and practice implementation, combined with organizational cultural deficiencies, directly affects the perceptions and experiences of the MPD workforce. These discrepancies and perceptions directly affect morale, officer health and wellness, and satisfaction in the work. More specifically, respondents expressed serious concerns about favoritism as a decision criteria, fear of others within MPD, lack of transparency and lack of accountability across a number of functions, and ethical concerns within the agency. These perceptions, along with other sentiments revealed in this analysis, suggest that a number of changes need to be made in order to build an environment in which MPD employees feel stronger support.

Section 3: Interviews

Over the span of about three weeks, the audit team interviewed 33 individuals for this performance audit. Interview respondents included officers, superior officers, and civilian staff, and all interviews were conducted via the secure ZoomGov technology platform. The audit team reached out to all department members who participated in the anonymous survey and offered the opportunity for an interview. The experience levels of interviewees ranged from decades of service experience with the department to only several years of experience.

Through this interview process, the CNA audit team gathered information on department operations, procedures, as well as experiences working with the department. During the interviews, it became clear that MPD members of all levels were aware of the controversy and negative perceptions surrounding the department. Members at different levels of the department held various sentiments. It is clear that there is strong division in the department, reflected by the differing opinions regarding department processes and procedures.

In this section, we highlight five core themes from the interviews: climate, management style, equity issues, equipment, and priorities. In addition, in section four we discuss interview findings in more detail along with providing the appropriate findings and recommendations.

Climate

The climate within MPD was described by some as "toxic," "hostile," and "retaliatory" and as producing low morale abetted by an atmosphere of fear. There is a significant divide within the department aligned along "pro-administration" vs. "anti-administration" factions, with the former being primarily made up of specialists and the latter by the uniformed patrol officers. Several of those interviewed spoke of fear in the workplace and concern about being "written up" for minor infractions; they believed those viewed as "favored" (based on their relationship with the chief) escape scrutiny. Officers reported being unwilling to volunteer for overtime because of this internal climate and fear of being written up for minor infractions. This results in "forced overtime" assignments, which, according to the interviewees, are not required of specialists.

Management style

Several interviewees specifically referenced Chief Solomon's high level of intellect and his command presence during times of crisis. On the other hand, many felt that this chief views his employees as "with" or "against" him and "his team." They also felt that those not favored by the chief are often targeted, ridiculed, or written up. Many spoke about the frequent use of being written up and expressed concerns about how to avoid such scrutiny.

The chief's toughest critics have still acknowledged his intellect, command of systems and processes, and decisiveness in the occasional emergency. However, many believe that he has created a system within MPD, through the control of hiring, assignments, promotions, and discipline, that has enhanced his ability to hire, transfer, and promote individuals perceived as loyal to him. Furthermore, we acknowledge that the chief and the union representatives who supported his civil service appeal have received raises making them some of the highest paid police officials in the country, and the council members who voted for those raises are seen as having been rewarded by the chief, either directly with jobs or indirectly through their relatives.

Equity issues

Assessment centers are used to inform promotion and hiring decisions through a structured evaluation of the relevant skills, knowledge, and abilities of candidates by means of situational testing. The process uses a series of simulated job challenges to gauge a candidate's ability to perform the targeted job. The performance of candidates is evaluated by trained assessors. Despite the fact that assessment centers are seen as viable alternatives to multiple-choice exams, the system in Methuen suffers from credibility issues because many officers do not trust the process. The examiners are friends and former colleagues of the chief, and members of MPD have noticed that those with positive relationships with the chief more often benefit from this process. The audit team learned during interviews that a promotional course was offered by the person who conducts the test. It is surprising that this did not raise concerns early on or result in grievances and complaints to civil service. The promotion process, and its use of assessment centers, was seen as a way to ensure the promotion of the chief's allies to senior positions, and discipline was seen as something applied only to patrol officers.

The processes for hiring, assignment, promotion, and discipline were all identified as lacking objectivity and transparency. The hiring process was considered manipulated to secure advantage for hiring and promoting "friends and family," while little time was spent trying to increase diversity in the ranks. We should note that MPD has few Hispanic or Latino officers and no bilingual dispatchers in an agency serving a community that is approximately 30 percent Hispanic or Latino.¹¹ The specialist selection process is viewed as secretive, and many interviewees reported being unaware of how they could rise through the ranks.

Equipment

Officers were aware of their agency being seen as an "early adopter" of the "nice to have" latest technology (e.g., ballistic helmets, GPS darts for use in pursuits, dictation software, license plate readers). Although many officers reported that the department provides a lot of new equipment, they noted that most of it was underused while the "must have" equipment, primarily patrol cruisers, was

¹¹ <https://www.census.gov/quickfacts/methuencitymassachusetts>

old and in need of replacement. Some officers would like the department to make sure all of the equipment purchased is necessary and will be used efficiently.

Priorities

Given the diversity of opinions cited above, a significant preponderance of opinion unsurprisingly favored change at the top of the organization. A number of MPD employees felt that changes at the leadership level would help advance some of the necessary changes in the department, such as those surrounding hiring and promotion. During previous promotional cycles, the MPD has decided to use the assessment center process. Strong negative sentiment was expressed regarding the decision to use two retired chiefs to manage both the assessment center and internal investigations. There was a strong desire to revamp the promotional and hiring processes. Overall, many agreed that the department should prioritize creating a department that is fair and transparent in their processes, allowing all MPD employees to feel supported.

Additional interview findings

The comments from the interviewees not only were consistent regarding the significant issues affecting the morale of the agency, but they also identified similar concerns through anecdotes. They expressed concerns that certain individuals with personal connections with leadership either have been protected from discipline, ensured a specialist assignment, or granted a promotion. The quotations here summarize the different thoughts and experiences of individuals who work with or for the MPD.

"We have great people but we need a change."

"Improvement requires change at the top, nothing will change without that."

"It's scarier to work inside the police station than outside the police station."

"MPD is all about who you know."

"Specialists have new SUVs while patrol officers drive cruisers with 125,000 miles on them."

"Discipline is aimed at people, not conduct."

None of these issues happened in a vacuum. The internal politics of a police agency can be reflective of the historic political culture of a given jurisdiction. It is clear that there were serious political controversies involving the police department occurred during the terms of some previous mayors that abated when allies of the chief assumed the office. In that context, the politicization of the office of the chief might be seen by some as a form of self-preservation despite the protections offered by Civil Service.

Overall, MPD has great officers who are there to do a professional job. MPD employees show up to work ready to do their jobs and demonstrate a strong commitment to serving their community. Addressing the issues identified in the interviews can help to develop processes throughout the department that are more transparent and fair. MPD officers indicated that making these changes would result in positive changes in overall performance and help promote a safer community.

Section 4: Findings & Recommendations

The CNA audit team drew from data collected from interviews, surveys, our review of MPD policies, and administrative data provided by the MPD to help us develop findings and recommendations. In this section, we describe our findings and recommendations for each of the five major areas of this assessment:

- Organizational structure and governance
- Budgeting and planning
- Operating policies and procedures
- Department culture
- Professional standards and accountability

These findings and recommendations are based on our assessment of MPD practices, policy, organization, and culture. Based on these findings, we recommend that the MPD address a number of areas including transparency, diversity, morale, procedures, and management. Some example findings in this report include the lack of Spanish-speaking personnel, low confidence in fair hiring and promotion practices, and deficient high-liability policies.

Although it is important to note the areas of necessary improvement, we also note that the MPD has several key areas of strength. Examples include MPD's strong training program, regularly updated department equipment, and continued active social media presence, as well as the committed MPD members who show a clear dedication to promoting public safety in the community. This findings and recommendations section identifies areas in which MPD's strengths can be leveraged to make further improvement. The CNA audit team feels confident that the City, the MPD, and the Methuen community are committed to addressing the findings and implementing the recommendations to support the department. Moving forward, continued commitment and support from the department leadership and officers will be critical to ensure the successful implementation and sustainability of improvements.

Agency organizational structure and governance

Organizational structure and governance form the foundation of any law enforcement agency. General orders, organizational structures, and staffing shape much of what an agency does, how it is organized, and how it meets its obligations to its residents and taxpayers. In developing findings for this section, our team analyzed how agency demographics, organization, and structures influence the efficiency of department operations. We compared these areas to the practices of similar local agencies and national best practices to inform our assessments. Overall, our findings from this section indicate that MPD would benefit from re-evaluating their staffing and assignments approaches. MPD would also benefit from making more efforts to recruit a diverse staff. The department should focus more on building an organization that reflects the community and operates at its highest efficiency and effectiveness. Here, we reiterate the need to adhere to standards and best practices, thus relying on national and state accreditation, research evidence from policing and management, and guidelines from the industry. Reports such as the *Final Report of the President's Task Force on 21st Century Policing* should inform and guide the adoption and implementation of audit findings.

Finding 1: MPD has a relatively low number of sergeants assigned to patrol.

This front-line level of supervision is essential to any law enforcement agency. Sergeants serve as key decision-makers in the daily delivery of services and have a lot of contact with the public. According to a November 2020 MPD Manpower Analysis report, of the 10 sergeant positions, only six are assigned to patrol duty. It is difficult to envision how six sergeants can provide adequate staffing in any 24/7 rotational schedule in a medium-sized agency like MPD.

Since sergeants are of such significance, an evaluation should be undertaken to review overall numbers and identify ways to increase the presence of sergeants on patrol. This may be accomplished through reassigning personnel. MPD may want to increase staff numbers generally, or reduce numbers in other ranks to enable an increase in the sergeant rank.

Recommendation 1: Evaluate the overall number and deployment of sergeants within the MPD.

Finding 2: MPD has a high number of assigned specialist positions.

Another significant variation from the comparison communities is the number of personnel assigned to specialist or non-patrol assignments. We heard repeatedly from interviewees of the large number of specialist positions and the challenge this has presented to patrol operations. The November 2020 MPD Manpower Analysis report highlights this disparity in assignments. According to the report, only 41 out of 71 officers are presently assigned to patrol, leaving 30 officers assigned elsewhere. This is in addition to the number of supervisors in specialist assignments. This low number of patrol officers exists even following a recent force reduction and the reassignment of several individuals back to patrol positions. The crime data do not support such a high percentage of specialist assignments. Interviewees reported strained resources on patrol and officers being forced to work

overtime to cover vacancies. Additional resources on patrol will better enable proactive efforts, which prevent crime or aid in the detection of yet unreported crime.

The MPD should evaluate its options to modify the current deployment of personnel. MPD should regularly conduct thorough assessments of its resource deployments and of the effectiveness of specialty units. In addition, the MPD should consider the role that non-sworn personnel may play in carrying out some of the specialist functions to reduce overall costs and allow the redeployment of sworn personnel.

Recommendation 2: Evaluate the deployment of personnel within the MPD.

Finding 3: The MPD uses part-time, intermittent, and reserve officers to supplement its staffing.

The MPD appears to be rather unique as a city police department in Massachusetts in that it allows part-time officers to work patrol assignments, according to Chief Solomon. In addition to full-time civil service police officers, MPD has intermittent officers and reserve officers.

Chief Solomon explained that the reserve officers are selected from the civil service commission ranked order-hiring list and meet the criteria for Methuen residency. After undergoing a background investigation and interview process, candidates are rank ordered based on a scoring system resulting from the interview process. They are then hired based on this new ranked order, which deviates from the civil service commission ranked order. These reserve officers participate in reserve officer training and are allowed to work paid detail assignments. Reserve officers undergoing additional hours of training may also be permitted to work patrol shifts.

Intermittent officers are not required to be Methuen residents nor are they required to be on civil service ranked order-hiring list. Once selected and hired, these candidates also receive training and are permitted to work paid details and patrol assignments. Several intermittent officers were actually hired to work patrol assignments on a full-time basis, and no limits appear to have been imposed on the number of hours intermittent officers could work. One additional category of special police officer exists: reserve officers, which consist of retired Methuen officers who work paid details.

These additional categories of officers have caused confusion and concern within the MPD. Interviewees believed that these two categories of intermittent officers and reserve officers are systems in place to avoid the expectations and restrictions of the civil service commission hiring system. There is a belief that these systems are manipulated to ensure that those with political or personal connections are hired. Once afforded the opportunity to work as a reserve officer, these officers are then given preference when hiring of full-time officers occurs. In this way, it is possible for an individual ranked 30th or lower on civil service list to be selected as a reserve officer and then later selected as the number one candidate for full-time hire. It appears that because reserve officers were viewed as part-time detail officers, this hiring process was not given appropriate oversight and was not recognized as a possible tool for manipulating civil service processes. The intermittent officer system is even more suspect because it permits non-Methuen residents, as well as those who have

never taken the civil service hiring test, to be hired for full-time employment—thus taking an available position away from civil service recognized candidates.

Specifically, MPD should ensure that part-time, intermittent, and reserve officers are not being used to sidestep standard hiring procedures nor to fulfill duties that should be handled by full-time sworn personnel.

Recommendation 3: The MPD should conduct a thorough review of the use of supplemental personnel to conduct sworn personnel duties and develop appropriate limitations on the job duties and tenure of these personnel.

Finding 4: The demographics of MPD are not representative of the demographics of the City of Methuen.

The makeup of the department falls short in various aspects of diversity. Departmental data indicates that MPD employs six female sworn personnel, none of whom are superior officers. These female officers account for about 7 percent of the sworn personnel, which is below the national average of 10.6 percent for similarly sized jurisdictions.¹² This trend is repeated with the racial and ethnic demographics of the department (see Figure 7). The department currently employs no Black full-time sworn officers, although their community population is about 4 percent Black.¹³ Approximately 30 percent of the city's residents identify as Hispanic or Latino;¹⁴ however, only about 10 percent of MPD full-time sworn officers are Hispanic or Latino. About 23 percent of Methuen residents speak Spanish,¹⁵ and the vast majority of the Hispanic and Latino MPD officers speak Spanish; however, Methuen employs no Spanish-speaking dispatchers. Note also that members of the department who are fluent in Spanish are concentrated solely at the officer level.

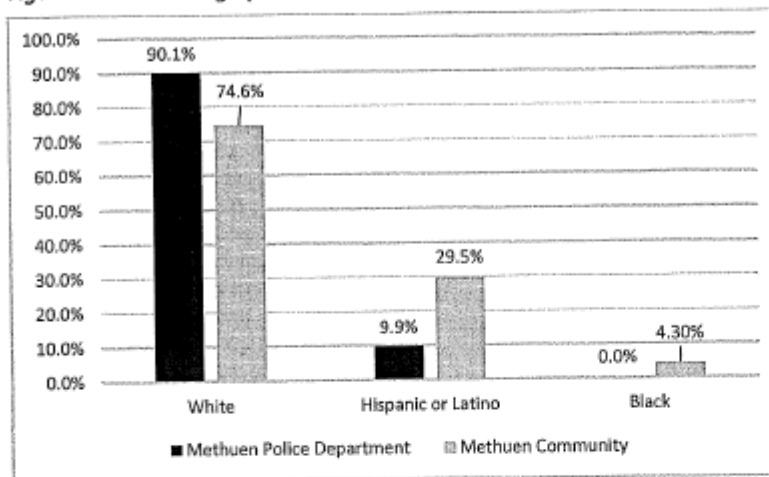
¹² Hyland, S. S., & Davis, E. (2016). *Local Police Departments, 2016: Personnel*. Washington DC: US Department of Justice, Bureau of Justice Statistics.

¹³ Ibid.

¹⁴ <https://www.census.gov/quickfacts/methuencitymassachusetts>

¹⁵ https://www.cityofmethuen.net/sites/g/files/vyhlif886/f/uploads/tr_20_81.pdf

Figure 7. Racial demographics of MPD (fulltime-sworn) and community



Recruitment and selection of candidates are critical functions of any police agency. A detailed policy should be written that outlines the MPD's vision and efforts to recruit candidates for hire. The MPD has a multi-step hiring process to select candidates, and this should be memorialized in policy form to ensure transparency and consistency.

In addition to a detailed policy, the MPD should develop a plan to guide recruitment efforts to help the department maintain a consistent recruitment approach and track ongoing progress. Leadership should clearly state its commitment to diversity and share the objectives of this plan with the Methuen community and all members of the department. This plan should include time-specific benchmarks and goals, along with opportunities for professional growth and advancement.

Finally, in order to reach candidates from diverse backgrounds, the department will need to continue to recruit in areas with more diverse applicants. MPD should consider participating in career expos and job fairs hosted by schools and local community groups, particularly those in the areas most heavily populated by underrepresented groups, to increase its outreach. Efforts to diversify the department should be documented in the aforementioned recruitment and selection policies and plan.

Recommendation 4.1: The MPD should develop a clear and concise policy that articulates the process of recruitment and selection of candidates for hire.

Recommendation 4.2: MPD should develop a recruitment plan for full-time sworn personnel, prioritizing recruiting Spanish-speaking officers and individuals from underrepresented demographics with the goal of creating a department that reflects the Methuen community.

Recommendation 4.3: MPD should expand the reach of their recruitment and hiring efforts to attract diverse candidates.

Finding 5: The lack of racial and ethnic diversity in the department has negatively affected various facets of the department.

The audit team learned that at least one prospective officer of color withdrew from the recruitment process due to fears of tokenism. The audit team also learned that a Spanish-speaking officer may be required to return to the police station to take a call in dispatch if the caller speaks only Spanish. Officers may also be requested to interpret in other settings as well, taking them away from their duties. At best, this is time consuming, but it may also present challenges in the effective prosecution of cases when attempting to display critical information of the case.

We recognize that this pervasive issue is not unique to Methuen. In addition, Methuen uses the civil service system, which does not allow for preferential hiring for diverse candidates, which complicates rectifying this issue. However, despite the evident shortcomings of the department in this respect, MPD leadership has shown no commitment to increasing the diversity of the department.

MPD should assess whether issues of stereotyping, overt or covert prejudices, or hostility exist within the department that could negatively affect members of underrepresented groups. MPD should consider utilizing a self-assessment survey or hiring an independent diversity expert to ensure that retention of new officers does not become an issue once the department is able to increase diversity.

Recommendation 5: MPD should identify any practices that may prevent officers from underrepresented backgrounds from feeling comfortable in the department.

Finding 6: MPD members have low confidence in the fairness of the special unit assignments process.

MPD officer assignments can be divided into two fairly broad categories: patrol and specialists. Although the vast majority of officers start their careers in patrol, many aspire to be assigned to special units. The specialist positions are considered a promotion and come with distinction, opportunities for an increase in overtime (and therefore pay), and more flexible hours. These positions include, but are not limited to, the detective unit, the drug and gang unit, the community policing unit, and the K-9 unit.

Over the course of this audit, the audit team noticed a clear dichotomy between patrol officers and specialists in their support of the department processes related to assignments. Patrol officers of varying career lengths held very low confidence in the equity of assignments. One of the reasons for this is the lack of transparency within the department about how these decisions are made. When asked how officers are assigned to specialty units, the audit team was told that positions are either appointed or may be posted for any officer to apply. However, in the latter instances, those who have congenial relationships with or are ideologically aligned with senior MPD leadership have a distinct advantage over others. However, according to the chief, he assents to the personnel requests of the accountable supervisors regarding specialist position assignments, since they work closer to the person who will be assigned. Further, the audit team could not identify any policy or procedures that

would provide more structure for this process to combat the feedback expressed during the audit interviews.

MPD should develop a written procedure for the assignment process that includes the posting process, the selection process, and any preferences allowed. MPD members should be included in the development of this process to ensure it can be perceived as legitimate. MPD should institute an annual review process in which MPD officers are provided the opportunity to share feedback concerning the process for assignments.

Recommendation 6: MPD should establish a more transparent and impartial process for officer assignment, developed with input from all department members, particularly patrol officers.

Budget and planning

Strategic and capital planning and budgeting are key processes within a law enforcement agency that support long- and short-term goals of the organization. The CNA audit team assessed capital planning and budgeting relative to past practices and those of surrounding departments. This assessment included a review of current and historical data, as well as interviews of relevant parties. Our findings show that MPD could benefit from better planning and evaluation mechanisms to ensure it makes more informed planning decisions and allocates resources efficiently. Furthermore, the City of Methuen and the MPD would greatly benefit from clear and consistent transparency, auditing, and reporting procedures to instill greater trust in the decisions and actions made related to budgeting and capital.

Finding 7: MPD does not currently have a system to guide the rotational cycle of department vehicles.

Aside from a firearm, there is no more important piece of equipment for a police officer than their patrol vehicle. This vehicle ensures that the officer is able to patrol effectively and arrive on scene for calls for service and priority calls safely and equipped with the necessary tools to operate effectively. Since the vehicles are generally operated 24 hours per day, seven days per week, they are prone to significant wear and tear and require critical and continual upkeep, maintenance, and replacement. Adding to the wear on these vehicles is exposure to the winter weather conditions in the northeast.

All of the available department police vehicles have accumulated significant mileage, with seven of the available marked vehicles substantially exceeding 100,000 miles. Furthermore, many of the newer vehicle models are not assigned to patrol. There is no established system within the MPD to rotate the use of department vehicles that would help to better maintain the vehicles and ensure longtime use.

During the audit team's interviews, personnel emphasized the deplorable condition of the patrol fleet of vehicles. MPD assigns only seven marked vehicles for patrol, and many have significantly more than 100,000 accumulated miles. Based on data from November 26, 2019, seven of the twelve available marked vehicles assigned to patrol substantially exceeded 100,000 miles, with another year of use elapsing without new vehicle purchase.

Table 6. 2019 MPD cruiser list

Vehicle Year	Division Assignment	Assignment	Approx. Mileage
14	Patrol	Spare #1	166,593
14	Patrol	Spare #4	164,429
14	Patrol	Spare #2	160,336
16	Patrol	Patrol	142,084

Vehicle Year	Division Assignment	Assignment	Approx. Mileage
16	Patrol	Patrol	128,553
16	Patrol	Patrol	122,835
16	Patrol	Spare #3	117,757
17	Patrol	Patrol	74,791
17	Patrol	Patrol	71,250
18	Patrol	Patrol	70,550
17	Patrol	Patrol	69,659
17	Patrol	Patrol Supervisor	25,451

However, personnel also reported that the department had 29 vehicles designated as "take-home" vehicles for those in specialist positions. Reportedly, recent changes implemented by Mayor Neil Perry have resulted in a dramatic reduction in the number of take-home vehicles available. A review of the past five year's budgets shows that the most recent vehicle purchases occurred in 2018. However, according to a cruiser list dated November 26, 2019, of the six 2018 model year vehicles purchased, only one was assigned for patrol use—with the remaining new vehicles assigned to Chief Solomon, three captains, and former Mayor James Jajuga.

The MPD does not have a system to regulate the rotation of vehicles, which would allow patrol vehicles to be routinely upgraded and replaced. Departments that have a regular rotational cycle are able to remove patrol vehicles from front-line operations after one year. These vehicles then become secondary line vehicles or specialist vehicles. It is very common for police vehicles to have multiple cycles of use within a police organization, but the newest vehicles should always be on the patrol lines. For example, having a three-year rotational cycle would ensure that no front-line vehicle is older than three years.

Recommendation 7: The MPD should institute a system to routinely upgrade the fleet of patrol vehicles.

Finding 8: Although MPD remains at the forefront of emerging technology, they lack a process to evaluate the benefits, need, and impacts before the purchase of new technology.

The MPD has been frequently cited in the local news media and social media for implementing the latest policing technologies. The department seems to have a desire to be the "first" to implement the latest technologies. MPD leadership actively pursues opportunities to acquire new equipment and emerging technologies. MPD has adopted new technologies, such as ballistic helmets, GPS darts on the cruisers, license plate readers, and drones.

During the interview process, MPD's regular purchase of new equipment was a common theme. Interviewees revealed that many officers felt that they often receive equipment that is "state of the art." Overall, the MPD seems to do well at equipping their officers with new tools that they feel will best serve their community.

Although this department demonstrates a strong commitment to technology advancements, they do not consistently evaluate the equipment before implementation. In many cases, this comes at a significant cost to the department in both equipment and specialized training. In other cases, the technology has been noted as unnecessary and burdensome to the officers to the point that it may not even be utilized on a regular basis.

One such example is dictation software, which allows officers to orally prepare their reports. Many of the officers interviewed explained that the technology does not necessarily expedite the report-writing process, leading them to suspect the reason for its adoption may be a connection between the vendor and MPD senior leadership. Much of the anecdotal information relayed to the audit team implied that the optics of the department receiving and utilizing new technology was more important to MPD leadership than the actual efficacy of the technology. It was also frequently noted by the interviewees that [REDACTED] has served as a sales representative or broker for a number of these new technologies.

Any number of new gadgets and technologies are marketed to police agencies each day. Given the enormous efforts by vendors to engage with police agencies and municipalities, MPD should consider implementing a technology plan to guide the procurement of new technology to ensure that these technologies are necessary for the department and the community. The plan should include a testing and evaluation process and should follow state mandates. This process could include a cost-benefit analysis, an officer interest survey, or a pilot program, when applicable. Receiving data and input from the field and from officers can help the department to acquire equipment that will be efficient and supportive of the work that MPD members do. A number of resources are available to help guide MPD's improvements in ensuring technology effectiveness, efficiency, and evolution. Some example resources include the *Report of the President's Task Force on 21st Century Policing* (referencing the Technology Pillar) and the National Public Safety Partnership (PSP) report on technology cost considerations.¹⁶

The technology plan should fit within the strategic plan of the organization to ensure it does not draw funding away from other critical needs. It is not uncommon to be offered a lower cost purchase fee only to see service and maintenance costs balloon considerably in the following years. An additional burden that new technology can place upon an organization is the need for policy and ongoing training. These are common considerations for departments when moving forward with new purchase decisions.

Recommendation 8: MPD should develop a technology plan for the procurement of new technology, including a process to evaluate new technology before it is purchased.

¹⁶ Understanding Technology Cost Considerations In Law Enforcement

Operating policies and procedures

General orders, policy manuals, and standard operating procedures are critically essential to a law enforcement agency. They apply an organization's vision, values, and goals to the actions and behaviors of its officers. They also provide all members of the organization with clear guidance on how to conduct policing business, and they set the tone for the agency's culture. Policies and procedures are living documents that will evolve based on implementation of the policies, accreditation standards, additional guidance from governing bodies, changing community sentiment, and critical incidents. In developing these findings and recommendations, our team conducted an in-depth review of MPD's current high-liability policies and standard operating procedures. These were aligned with best practices such as Massachusetts Police Accreditation Standards as well as comparison cities similar to Methuen (Peabody, Salem, Haverhill, Malden, and Medford). Our team also used interviews to gain a better understanding of common applications of policies. Based on our findings, MPD should ensure that they routinely update all policies and prioritize increasing the transparency of department procedures.

Finding 9: MPD does not presently have any policies and procedures for Agency Authority and Jurisdiction.

During the policy review, we noted the lack of policies that outline the law enforcement authority and jurisdiction of the MPD. This type of policy is essential because it outlines the agency's role, authority, and code for ethical conduct. Having this in place lays the foundation for the department to operate in accordance with sound and ethical policing principles.

These policies lay the foundational statement for the agency in terms of jurisdiction, and the Oath of Office and Code of Conduct serve as a means for the employees to make a public commitment to the duties, responsibilities and obligations associated with being an officer of the MPD.

Recommendation 9: MPD should prioritize the creation and dissemination of policies that outline the agency's law enforcement role, lawful authority, oath of office, and code of ethics.

Finding 10: The MPD lacks a policy that addresses departmental discipline.

The disciplinary process plays an important role in holding police officers accountable for their behavior. The MPD does not presently have a policy that addresses departmental discipline. Without a clear and concise policy to govern the discipline process, there is no assurance of consistency throughout the organization.

A recurring theme throughout the survey and interview process was the concern expressed over disparate and frequent discipline. For example, during the interviews, interviewees described a paid leave ("house arrest-like") form of discipline in which officers are suspended from duty (with pay) and ordered to stay at home between 8:30 am and 4:30 pm. Members of the CNA audit team were not familiar with this form of discipline in law enforcement. According to the chief, this was a non-disciplinary intervention. The audit team also noticed that the orders that place officers on paid leave

do not note the reason for discipline. The chief noted that this exclusion was meant to save such officers embarrassment by excluding detail of the discipline. The chief agreed with our team that it might be better to note reasons on such orders. Some respondents suggested that the use of paid leave "house arrest" could be a way of circumventing disciplinary processes that might be grievable.

A detailed discipline policy will ensure that departmental expectations are clear and provide the tools for supervisors to act in a consistent manner throughout the organization. All employees will understand and have clear expectations about how, when, and in what form discipline will be rendered.

Recommendation 10: The MPD should develop a policy that outlines the department's philosophy and disciplinary procedures, including the progressive steps and responsible personnel for rendering the stages of discipline.

Finding 11: MPD lacks a policy that addresses off-duty conduct and employment.

The MPD does not have a policy for off-duty conduct or off-duty employment for personnel. A well-written off-duty conduct policy provides consistent guidelines for what is and is not acceptable. This is especially important because some off-duty misconduct can do significant damage to an organization's reputation and ability to operate effectively.

The MPD should establish an Off-Duty Conduct policy and an Off-Duty Employment policy that address agency expectations of officer conduct and clear consequences if those expectations are not met. The Off-Duty Conduct policy should detail speech and behavior that are not acceptable outside of work hours. The Off-Duty Employment policy should include the steps necessary if notification to the agency is required, provide criteria for whether agency approval is required, and list any categories of employment that would be inherently not permitted due to conflict of interest.

Recommendation 11.1: MPD should develop a policy that address off-duty conduct.

Recommendation 11.2: MPD should develop a policy that addresses off-duty employment.

Finding 12: MPD lacks a policy that addresses emergency vehicle operation.

Emergency vehicle operation is a critical aspect of a police officer's job. The officer will spend the majority of his or her shift operating a vehicle and responding to calls for service, including emergency response. This is an area of high liability for the agency because of the risk of accidents.

The MPD should develop a policy that fully addresses emergency vehicle operations, including the expectations of the agency, the responsibilities of the operator and supervisors, and training requirements. This policy should be developed clearly with detailed guidance and remain in accordance with best practice standards.

Recommendation 12: The MPD should develop a policy that fully addresses emergency vehicle operations.

Finding 13: MPD has a strong training program, which is not presently documented in policies.

Training is critical to ensure that all personnel operate consistently and effectively, in accordance with departmental policies, and have full knowledge of the tools and equipment they are required to use. Training is an essential risk management tool and an essential component of career development within the MPD. The overall sentiment expressed during the survey and interviews was that members felt that they receive sufficient training. Interviewees felt the training was of high quality and frequent enough for members to fully understand policy and practices. Additionally, the MPD has demonstrated a commitment to training through the creation of a police academy and in-service training program. It appears that the department does well at making sure they train officers in the proper skills to serve the community.

The MPD should develop policies on training that articulate the department expectations regarding training, including who is responsible to oversee training, types of required training, when training will be required, and how to request specialized training. Specific training areas for policy development should include entry-level training, annual officer retraining, agency- or assignment-specific training, and skill development training upon promotion.

Recommendation 13.1: MPD should develop a detailed training policy that outlines MPD's role in its recruit academy and in-service training programs.

Recommendation 13.2: MPD should train employees on newly developed or updated policies.

Finding 14: MPD policies and procedures are reviewed on an ad hoc basis. More than 50 percent (57 of the 94 policies) of the MPD policies have no date of issue, effective date or revised date.

MPD has no formal procedure or process in place to conduct a comprehensive review and update of policies and procedures on a regular basis. Without any date as a frame of reference, it is impossible to note whether these policies are current and consistent with Massachusetts General Laws, case law, and best practices. At least five of these policies (Extra Details, Light Duty, Drug Testing, Noise Pollution, and Blood Alcohol Testing for OUI Arrests) bear the signature of a former chief of police, suggesting they are more than 18 years old without revision.

Additionally, a date of issue is relevant to ensure policies are compliant with any changes to Massachusetts General Laws, case law, or criminal procedure.

MPD should establish a procedure to review policies each year to ensure that they meet best practices and the needs of the community. MPD should conduct annual reviews of its policies to ensure that practice matches policy, that policy meets best practice, and that policies are updated to address potential negative trends.

Recommendation 14: MPD should establish a formal annual review process to re-examine its policies and procedures to ensure that they align with departmental practices, training, and

promising practices in the field of policing as well as conform to Massachusetts General Laws, case law, and criminal procedure.

Finding 15: MPD is very active and engaged with the community through social media.

The MPD is very engaged on social media platforms, such as Facebook, Instagram, and YouTube. They use these platforms regularly to share information on community events, provide public safety information, and increase their interactions with local residents. This type of engagement is very important because it continues to connect the department with the community and increase information-sharing opportunities. This consistent use of social media demonstrates MPD's strong commitment to engaging the community.

MPD should continue to engage with the community through these social media platforms and look for new ways to leverage their strong social media presence to promote new engagement opportunities. For example, MPD should look for more opportunities to conduct outreach to local residents, especially minority and Spanish-speaking community members, through using social media platforms. They should consider utilizing these platforms to expand their recruitment efforts to attract candidate from diverse communities and create a more representative department.

Social media is a powerful tool for communicating information with local residents; however, this form of communication is one-sided. In order to increase police-community interactions, the MPD should establish a consistent process and tools for engaging with the community. Some examples of these tools could be regular community meetings or forums, community advisory groups, or community surveys that are administered on a regular schedule.


Recommendation 15.1: MPD should continue with active social media engagement and increase efforts to connect with and recruit members from Spanish-speaking communities.

Recommendation 15.2: MPD should establish new tools for engaging with the community on a consistent basis.

Finding 16: Community policing activities are not well integrated with other policing strategies and activities occurring within the department.

The MPD community engagement and outreach unit is responsible for community outreach activities such as using social media and conducting community events. The unit organizes basketball games, conducts afterschool and drug addiction programs, participates in toy drives, and holds other events. The mission of the unit focuses on community engagement, while other units focus on street operations. These community engagement activities appear to be siloed into one specialized unit rather than integrated as a philosophy in which every department member views this as their mission.

The MPD should review and consider revising its roles and responsibilities for patrol officers to ensure that they include community-policing principles. MPD should reinforce the concept that community policing is the responsibility of all officers—not just those assigned to the community engagement specialty units. Integrating community-policing principles into the roles and



responsibilities of all staff can help strengthen community cooperation and enhance public safety. MPD should also establish guidance for department members that focuses on building trust and engagement from all community members. The 21st century pillars provide a solid framework to support the development of this guidance.

Recommendation 16.1: MPD should intergrade community engagement as departmental philosophy rather than the responsibility of a single unit through revising officer's roles and responsibilities.

Recommendation 16.2: MPD should review department policies and procedures related to patrol officers and revise them to incorporate community-policing principles.

Department culture and morale

Efficient decision-making, communication, and transparency are necessary to ensure the MPD is successful and provides effective support to the community. In developing the findings for this area, it was important for our team to evaluate how MPD's management team understands and assesses the efficiency and effectiveness of lines of communication. The effectiveness of horizontal lines of communication between individuals at the same level is important for developing and ensuring a unified and consistent message for members of the community. Vertical communication is equally as important to ensure that the priorities, standards, and expectations of the department are known by all. Many of the findings in this section were developed relying upon data from our department survey and interviews with line officers, command staff, and city officials. Overall, our findings in this section indicate that MPD should place more focus on ensuring both the perception and the application of full transparency within the department.

Finding 17: MPD officers do not feel confident in making formal or informal complaints or expressing concern relating to department operations and management.


During our audit, it became clear that many MPD members do not feel comfortable voicing their concerns. Some members do not feel the internal MPD process is effective, and others fear retaliation for speaking against leadership. There is also low trust in the external systems for addressing concerns. Some members even noted that they are discouraged from going to the human resources department to express concerns. There appears to be a culture of fear and mistrust that is leaving many MPD members feeling unsafe within their own department.

MPD should reevaluate the mechanisms for officers to express their concerns. The City and the MPD should work to establish a process through which officers feel protected in voicing concerns. In establishing these new mechanisms, it will be essential to ensure that individuals managing concerns are not closely linked to leadership and are free from conflicts of interest. The City and MPD may also want to consider implementing anonymous surveys as a method to better understand some of the more widely held concerns from members of the department.

Recommendation 17: MPD should work with members of the department to develop processes that foster an environment in which officers feel safe expressing concerns.

Finding 18: There is a widespread perception that favoritism affects management and discipline decisions within the MPD.

Within the survey results, we found the theme of fear among personnel that affects their morale and satisfaction with their employment with MPD. Perceptions of a lack of fairness and transparency can affect officer mental health and wellness. The *Final Report of the President's Task Force on 21st Century Policing* highlights officer health and wellness; thus, we recommend that the City of Methuen and the MPD prioritize the physical and mental health of all agency personnel. The City or MPD must take significant steps to address these perceptions and enhance transparency related to department leadership. Many of these steps pertain to recommendations already provided in sections on policy



and practice, but additional steps can be informed by policies and practices required through accreditation.

Transparent and consistent communication and implementation of departmental policies and decisions are critical to ensure that an institution is seen as legitimate by internal and external stakeholders. In other words, employees and the community will not trust or have faith in an organization if they believe that their policies and practices are inherently unjust.

Recommendation 18: The City of Methuen and the MPD must prioritize and address the perceptions that cause members to believe that there is unequal treatment in assignments, promotions and discipline.

Professional standards and accountability

Professional standards and accountability are crucial elements of all law enforcement agencies. It is important for departments to promote principles that help build trust and establish processes that ensure fairness. The audit team comprehensively assessed MPD's policies and procedures for promotion and hiring. The findings from this section rely heavily upon data from survey analysis and interviews with department members. Overall, our findings from this section indicate that the MPD should place more focus on the impartiality of these very important processes and on ensuring that policy and practice are aligning with department values.

Finding 19: The assessment center was run by individuals who were involved in other areas of department operations, such as internal affairs investigations, causing officers to not trust MPD's promotional methods.

[REDACTED] was hired to conduct internal affairs investigations for the MPD on matters of misconduct for many years. Chief Solomon said he began using outside resources, specifically [REDACTED], to conduct internal affairs investigations since his return to the chief's position in 2010. Many of the interviewees questioned the impartiality of [REDACTED] in this process, particularly in light of his knowledge of many of the candidates as subjects or witnesses in various matters. As reported by several interviewees, although [REDACTED] was not an assessor, he was the point of contact on this process, met with the candidates for the information session, and was present throughout the testing coordinating the process. Many interviewees noted that [REDACTED] relationship with Chief Solomon and retired Chief Stanley and the MPD was too complex for them to have full confidence in the trustworthiness of this process.

[REDACTED] has been involved with the MPD for a number of years, serving as intermediary or broker for various technologies and equipment that the department has purchased and implemented. As previously noted, Integrity Testing LLC website lists [REDACTED] as a principal owner of the testing company used for the assessment center. Several interviewees believed that [REDACTED] and Chief Solomon are friends and have been observed to socialize together at events in Methuen. [REDACTED] also served as an assessor in the 2017 assessment center process. His complex financial relationship with the MPD, as well as his perceived friendship with Chief Solomon, caused many interviewees to doubt his ability to be unbiased in this process.

The assessment center process being used by the MPD is concerning based on the complex relationships of the two principals of the testing company, Integrity Testing LLC. The only way to restore trust and confidence in this process is to utilize a company with no ties of any kind to MPD or the candidates. The MPD must also ensure that the chosen company is also not providing preparatory classes for candidates of the MPD.

Recommendation 19: Establish a process to ensure that the assessment center is managed by an impartial party with no connections to the MPD personnel.

Finding 20: MPD uses an assessment center to make promotional decisions, but this process is not trusted by personnel, and the firm that runs the assessment center has financial ties to other aspects of MPD internal operations.

In more recent years, civil service has authorized the use of the assessment center model for promotional examination. Although a candidate can do preparation to understand the process and enhance performance, there is no requirement to study any of the materials outlined above within the traditional testing model.

The MPD has used the assessment center process for the past two promotional testing cycles in 2015 and 2017. The most recent testing cycle in 2017 used the assessment center process for all ranks (sergeant, lieutenant, and captain). In order to operate an assessment center for promotion, a Delegation Agreement must be received from the Massachusetts Human Resources Division. A community must appoint a delegation administrator to oversee and coordinate the entire process. Mayor Stephen Zanni, as the appointing authority, delegated this role to MPD Chief Solomon in a letter to Mr. George Bibilos, Director, Organizational Development Group, HRD, dated February 27, 2014. Further, Chief Solomon reported that he met with union leadership to discuss his plan for testing and that the unions supported the process. Based on interviews with MPD employees, it appears that the decision to use an assessment center was based on an agreement among the unions that the centers would provide a better evaluation than a written test.

Integrity Testing LLC, an organization external to MPD, was chosen to conduct the assessment center. It is unclear how they were selected for this role. Chief Solomon indicated during his interview that a competitive Request For Proposals (RFP) process was conducted, but no such documentation can be located by Methuen officials. A review of the Integrity Testing LLC website indicates this company is co-owned by [REDACTED]

[REDACTED] have other financial ties to the MPD, including conducting internal affairs investigations of MPD personnel and brokering the purchase of a number of police products and technologies by the MPD.

Based on the survey and interview data, one of the most significant areas of personnel concerns relates to selection for assignment and promotion. The stated belief of interviewees was that these processes are not transparent, fair, or in accordance with the intent of civil service procedures. Some members feel that complaints regarding the testing and assessment methods are without merit and were brought forth by disgruntled employees. Some respondents claimed that neither the superior's union nor the patrol officer's union objected to the assessment center process when both were consulted, while others claimed that this decision did not involve much input from the officers who would be affected by the decision.

During the interviews, the chief said that he regularly adheres to all of the proper processes involved in hiring, testing, promotions, and discipline. MPD members have pointed out that there appears to be a low number of grievances and complaints to civil service regarding these areas, which may indicate that appropriate practices are followed. Other members of the department noted that there is much fear in proceeding with formal grievance processes, and that is the reason for the low number of grievances. According to the chief, during the hiring and promotion process, any "skips" or "by-

passes" on civil service lists have been accompanied by appropriate justification to Civil Service without being rejected by them. He also claimed that all promotional candidates can file an appeal; however, these candidates cannot always see their test results because test materials are destroyed after the exam. This practice does not appear to follow the Delegation Agreement, which requires that all records be kept for a period of three years. During the interviews, the chief stated that despite the fact that he is covered by the Massachusetts "strong chief" law, the mayor ultimately decides or approves who is hired, promoted, or disciplined.

It is imperative for police organizations to have police promotional practices that are consistent and transparent, and that are implemented with the highest ethical standards, to ensure the process and outcomes are fair, just, and viewed with integrity. Traditionally within the civil service system in Massachusetts, promotions to all ranks have been conducted through a uniform written multiple-choice exam resulting in a ranked order for candidate selection. This examination process required candidates to study selected materials on topics including community policing, criminal investigations, police administration, Massachusetts General Laws, motor vehicle law, juvenile law, criminal law, and criminal procedure. A deep understanding of all of these topics is vitally important for a supervisor to be effective.

The MPD should prioritize the routine review of policies and procedures surrounding promotion. They should make sure that these processes are fair, transparent, and trusted by MPD employees. In doing this, MPD should review their procedures to ensure that there are no conflicting interests or relationships involved in any hiring or promotional decisions.

Recommendation 20: The MPD must review its procedures for promotional decisions, including the use of an external firm to run the assessment center, and ensure that these processes are fair and equitable.

Finding 21: MPD members experience inconsistencies in receiving notifications regarding the bypassing of their promotions.

There appears to be some misunderstandings about the process through which an officer is bypassed for a promotion. The lack of trust in the promotion process is worsened by the lack of transparency that officers feel is necessary to know that promotions are given fairly. Some officers have claimed that they did not receive notice describing the bypass for their promotion.

The MPD should make some changes to the process to ensure that officers understand the related standard procedures. The department should consider establishing a standard process for communicating and sharing information with interested candidates related to promotions. The standard process should allow all members to receive the same information related to promotions and next steps in the process. Tracking the information and notices that go out to candidates can help increase transparency and trust in these processes.

Recommendation 21: Develop a more standardized process for promotions that features transparency and consistent communication with candidates.

Finding 22: Members of the organization did not trust the department's use of the assessment center to make promotional decisions. Not all candidates were aware of a promotional preparatory course that was being provided by an assessment center company.

The involvement of [REDACTED] in the promotional testing, with their varied agency roles involving technology and investigations, is cause for great concern. Further compounding this concern is the availability of preparatory classes being conducted by [REDACTED] as reported by MPD personnel. Based on numerous interviews, interviewees believed that only certain individuals had been informed of these classes by the administration. It is unclear whether this is true or simply the dissemination of information among work colleagues. What is apparent is that [REDACTED] was conducting a preparatory class attended by a number of Methuen officers (reported to be candidates) in Wilmington, Massachusetts, approximately two months before the actual testing process. This would have been within the window of time that the testing process had been formally announced and Integrity Testing LLC was under contract [REDACTED] to conduct the testing. It was communicated during the interviews that the preparatory class exercises were precisely those used during the testing process, which greatly increased the significance of the attendance at this class. This class was attended by officers from other agencies as well.

Although far more laborious and time consuming, the preparation required for the traditional model of civil service testing provides a strong base of knowledge for future supervisors and leaders within an organization. We recommend that a model be utilized that requires the study of these critical materials as outlined above for the rank of sergeant, whether that be solely the written exam or a blended model of written exam followed by assessment center. For example, a blended examination would value the written testing component at 50 percent, and only a passing score would move the candidate forward to the assessment center phase, which would also be valued at 50 percent. This blended model would ensure that each candidate for sergeant has demonstrated command of the necessary knowledge coupled with a process for evaluating problem-solving skills under duress.

Recommendation 22: MPD should reassess the use of assessment centers for all ranks.

Finding 23: Although MPD began the process to seek Massachusetts state accreditation over five years ago, the process seemingly has stalled, and little progress has been made.

More than five years ago, MPD began the process towards achieving state accreditation through the Massachusetts Police Accreditation Program. The process of accreditation ensures that the agency adheres to published and established practices and standards in the field. It is also a risk management tool for an agency and aids in preventing or reducing financial loss in liability claims. Although the benefits to accreditation will vary from agency to agency, the most common benefits of the process include providing a basis to identify and correct deficiencies before they become problems, ensuring all agency policies and procedures are detailed and current, and providing a means of independent evaluation of agency operations for quality assurance.

The accreditation process begins with a self-assessment of the agency by the agency. This is a labor-intensive process that consists of a comprehensive review of all accreditation standards to document the status of agency compliance. This self-assessment process allows corrective action to be taken,

which generally involves policy writing, minor facility adjustment, and in some cases the purchase of equipment.

Current Massachusetts accreditation standards require compliance with 159 standards, which affect officer and public safety, address high-liability/risk management issues, and generally promote operational efficiency throughout an agency. Although the MPD began the accreditation process five years ago, very little evidence of progress was found in our audit, and it appears that no further action has been taken for the past several years.

Recommendation 23.1: The MPD should reinvigorate their accreditation process and establish a specific plan to achieve accreditation, including mapping responsibilities to specific personnel and establishing timelines.

Recommendation 23.2: The MPD should also develop a plan for seeking CALEA accreditation, either in parallel or sequence to achieving state accreditation.

Conclusion


The MPD has experienced several crises: a crisis in its public reputation on the heels of several negative articles in the regional and state press, a crisis in credibility with the current political establishment, and a crisis in the leadership's credibility within the MPD. There has also been a general crisis in trust in the agency's leadership both within MPD and with its constituencies over the compensation the chief negotiated through the Superior Officers Association. The seriousness of these matters is manifest in the lack of trust department members have in all of the key functions of leadership: hiring, assignments, discipline, and promotion.

It should be noted that, in many ways, the City of Methuen, its police chief, and its police department have been in this situation before. As has been widely reported, Chief Solomon was fired by a former mayor in 2008 following allegations of grant mismanagement, conflicts of interest, and assertions of "loss of confidence." All of this contributed to heated public controversy and intense political conflict. Although this was 10 years ago, one cannot help but note that many of the issues (such as those surrounding "favoritism" and "micromanaging") have resurfaced. Finally, it should be noted that the previous city council and mayor negotiated what is generally perceived as an exorbitant raise for the chief and the Superior Officers union which generated pressure for outside reviews (including this one) of the current climate within MPD.

Notably, accountability systems appear to have been inadequate during the past several years. There are other "strong chiefs" in Massachusetts who often find reform efforts obstructed by grievances, demands to bargain, or arbitrations involving their unions, and yet in Methuen, this process has been severely inadequate. It is worth noting that all but one of the recent police union's presidents personally benefited from their position by being either promoted or assigned to a specialist position. It is also worth noting that the Civil Service Commission approved hiring processes that have continued to disfavor veterans, minorities, and others on civil service lists. Those involved in the hiring decision-making process appear to be missing the negative effects that hiring decisions and practices have had on minority representation in the MPD.

Despite these issues, the audit team has great confidence in the MPD's desire to improve and function as a top-notch police organization, and in its ability to make significant and lasting change based on the findings of this report. This audit has not been an investigation. Formal investigations must be left to entities with the authority and power to investigate and recommend specific actions. This audit used surveys, document reviews, agency comparisons, and interviews to identify strengths, operational challenges, and areas of concern expressed by members of the community.

Our audit found that the MPD should reevaluate and update many of its policies and procedures. Particularly, the department should focus on establishing more formal and transparent procedures that support processes such as promotion, hiring, and assignments. Other areas to focus on for change include disciplinary processes, staffing, and culture and morale. Overall, the high survey response rate and participation in this audit may be indicative of the real desire for change within



the department. The department should redirect its focus to patrol personnel, who are at the heart of public service to the community. It is clear that the agency is in conflict and that unresolved issues of accountability should be appropriately addressed. We believe that this report provides an assessment of observations and testimony to advance the necessary civic discussions and decisions required.

In conducting this audit, we found that many members of the department clearly did not trust or support MPD leadership or direction; however, a large majority of the individuals we spoke to indicated that they were eager and hopeful to see change. In moving forward, it will be important for the MPD to ensure that all operations are being guided by accountability standards and that their systems are equipped to oversee these processes. Maintaining this priority will be essential in developing a better department to promote public safety in the City of Methuen.

Appendix A: Table of Findings and Recommendations

<i>Finding No.</i>	<i>Finding</i>	<i>Recommendation</i>
1	MPD has a relatively low number of sergeants assigned to patrol.	1. Evaluate the overall number and deployment of sergeants within the MPD.
2	MPD has a relatively high number of assigned specialist positions.	2. Evaluate the deployment of personnel within the MPD.
3	The MPD uses part-time, intermittent, and reserve officers to supplement its staffing.	3. The MPD should conduct a thorough review of the use of supplemental personnel to conduct sworn personnel duties and develop appropriate limitations on the job duties and tenure of these personnel.
4	The demographics of MPD are not representative of the demographics of the City of Methuen.	4.1. The MPD should develop a clear and concise policy that articulates the process of recruitment and selection of candidates for hire.
		4.2. MPD should develop a recruitment plan for full-time sworn personnel, prioritizing recruiting Spanish-speaking officers and individuals from underrepresented demographics with the goal of creating a department that reflects the Methuen community.

Finding No.	Finding	Recommendation
		4.3. MPD should expand the reach of their recruitment and hiring efforts to attract more diverse candidates.
5	This lack of racial and ethnic diversity has negatively affected various facets of the department.	5. MPD should identify any practices that may prevent officers from underrepresented backgrounds from feeling comfortable in the department.
6	MPD members have low confidence in the fairness of the special unit assignments process.	6. MPD should establish a more transparent and impartial process for officer assignment, to be developed with input from all department members, particularly patrol officers.
7	MPD does not currently have a system to guide the rotational cycle of department vehicles.	7. The MPD should institute a system to routinely upgrade the fleet of patrol vehicles.
8	Although MPD remains at the forefront of emerging technology, they lack a process to evaluate the benefits, need, and impacts before the purchase of new technology.	8. MPD should develop a technology plan for the procurement of new technology, including a process to evaluate new technology before it is purchased.
9	MPD does not presently have any policies and procedures for Agency Authority and Jurisdiction.	9. MPD should prioritize the creation and dissemination of policies, which outline the agency's law enforcement role, lawful authority, oath of office, and code of ethics.
10	The MPD lacks a policy that addresses departmental discipline.	10. The MPD should develop a policy that outlines the department's philosophy and disciplinary procedures, including the

Finding No.	Finding	Recommendation
		progressive steps and responsible personnel for rendering the stages of discipline.
11	MPD lacks a policy that addresses off-duty conduct and employment.	11.1. MPD should develop a policy that address off-duty conduct.
		11.2. MPD should develop a policy that addresses off-duty employment.
12	MPD lacks a policy that addresses Emergency Vehicle Operation.	12. The MPD should develop a policy that fully addresses emergency vehicle operations.
13	MPD has a strong training program, which is not presently documented in policies.	13.1. MPD should develop a detailed training policy that outlines MPD's role in its recruit academy and in-service training programs.
		13.2. MPD should train employees on newly developed or updated policies.
14	MPD policies and procedures are reviewed on an ad hoc basis. More than 50% (57 of the 94 policies) of the MPD policies have no Date of Issue, Effective Date or Revised Date.	14. MPD should establish a formal annual review process to re-examine its policies and procedures to ensure that they align with departmental practices, training, and promising practices in the field of policing as well as conform to Massachusetts General Laws, case law, and criminal procedure.
15	MPD is very active and engaged with the community through social media.	15.1. Continue with active social media engagement and increase efforts to connect with and recruit members from Spanish-speaking communities.

Finding No.	Finding	Recommendation
		15.2. MPD should establish new tools for engaging with the community on a consistent basis.
16	Community policing activities are not well integrated with other policing strategies and activities occurring within the department.	16. 1. MPD should intergrade community engagement as departmental philosophy rather than the responsibility of a single unit through revising officer's roles and responsibilities.
		16.2. MPD should intergrade community engagement as departmental philosophy rather than the responsibility of a single unit through revising officers' roles and responsibilities.
17	MPD officers do not feel confident in making formal or informal complaints or expressions of concern relating to department operations and management.	17. MPD should work with members of the department to develop processes that foster an environment in which officers feel safe expressing concern.
18	There is a widespread perception that favoritism affects management and discipline decisions within the MPD.	18. The City of Methuen and the MPD must prioritize and address the perceptions that cause members to believe that there is unequal treatment in assignments, promotions, and discipline.
19	The assessment center was run by individuals who were involved in other areas of department operations, such as internal affairs investigations, causing officers to not trust MPD's promotional methods.	19. Establish a process to ensure that the assessment center is managed by an impartial party with no connections to the MPD personnel.

Finding No.	Finding	Recommendation
20	MPD uses an assessment center to make promotional decisions, but this process is not trusted by personnel, and the firm that runs the assessment center has financial ties to other aspects of MPD internal operations.	20. The MPD must review its procedures for promotional decisions, including the use of an external firm to run the assessment center and ensure that these processes are fair and equitable.
21	MPD members experience inconsistencies in receiving notifications regarding the bypassing of their promotions.	21. Develop a more standardized process for promotions that features transparency and consistent communication with candidates.
22	Members of the organization did not trust the department's use of the assessment center to make promotional decisions. Not all candidates were aware of a promotional preparatory course that was being provided by an assessment center company.	22. MPD should reassess the use of assessment centers for all ranks.
23	Although MPD began the process to seek Massachusetts state accreditation over five years ago, the process seemingly has stalled, and little progress has been made.	23.1. The MPD should reinvigorate their accreditation process and establish a specific plan to achieve accreditation, including mapping responsibilities to specific personnel and establishing timelines.
		23.2. The MPD should also develop a plan for seeking CALEA accreditation, either in parallel or sequence to achieving state accreditation.

Appendix B: MPD Employee Work Survey

SURVEY INFORMED CONSENT FORM Methuen, MA Police Department

Please read this consent form carefully and ask as many questions as you like before you decide whether you want to participate in this survey. You are free to ask questions at any time before, during, or after your participation in this survey.

1. PURPOSE OF THIS ASSESSMENT

You are being asked to participate in a survey about your employment and experiences working in the Methuen, Massachusetts Police Department. The goal of this survey is to learn more about employee perceptions of agency operations. The data will be analyzed to provide information about the future of the Methuen Police Department.

2. PROCEDURES

This is a self-administered survey. Auditors will collect this information via an agency survey, to be distributed via email through Checkbox, a survey assessment platform. Upon receiving the survey and if you consent to completing it, you will be asked a series of questions about your employment at the MPD. The survey should take no more than 15 minutes to complete. The survey does not ask for your name and contact information. However, this information was used to generate a unique survey link and the contact information will be held strictly confidential. Responses will be aggregated for the purpose of reporting survey results. At no time will your responses be reported individually or in connection with your name. Responses are available to the CNA Audit Team only.

3. POSSIBLE RISKS OR DISCOMFORT

We do not think there are any risks or possible harm that can come to you as a result of completing this survey, because we will take thorough precautions to protect your confidentiality and will only report findings in summary formats (no individual respondents will be identified in the assessment report).

4. POSSIBLE BENEFITS

There are no direct benefits to you for participating in this survey. Your participation is strictly voluntary.

5. CONFIDENTIALITY

Your participation in this assessment will be treated as confidential. The results of the assessment will be published in reports, but we will not present the results of the assessment in a way that individual participation will be known. All hard copy surveys and other forms will be kept in locked filing cabinets, only accessible to approved members of the audit team. Data that is stored electronically will be maintained on secure servers. All data that contains personally identifiable information (PII) will be maintained and encrypted on CNA's server and will not be available on a computer network. No data will be transferred that contains PII.

6. SOURCE OF FUNDING FOR THE ASSESSMENT

City of Methuen, Massachusetts

7. YOU MAY DECLINE TO PARTICIPATE

You are free to choose whether to participate in this survey. There will be no penalty or loss of benefits if you choose not to participate.

8. AVAILABLE SOURCES OF INFORMATION

Any further questions you have about this assessment will be answered by the Project Director:

Name: Edward Flynn Contact Information: flynn@cna.org

If you have questions about your rights as a participant or if you have questions, concerns or complaints about the audit, you may contact:

Mark E. Rosen

SVP General Counsel and Corporate Secretary CNA Corp

Telephone: 703-824-2720 E-mail: rosenm@cna.org

•AUTHORIZATION

☐ I have read and understand this consent form. By taking the survey, I provide my voluntary consent to participate in this research study. I understand that I may choose not to participate, and that there will be no negative consequences for me if I choose to not participate.

**Date (MM/DD/YYYY):

SURVEY OF METHUEN, MASSACHUSETTS POLICE DEPARTMENT PERSONNEL 2020

As part of CNA's review of the Methuen, Massachusetts Police Department (MPD) we are conducting this survey to gather input and feedback from MPD personnel about employee satisfaction and employee perceptions of the work environment. Your responses will provide information to inform improvement of the MPD.

This survey will take approximately 10 minutes to complete. Please answer all questions, unless otherwise instructed in the question directions. You do **NOT** have to put your name on this survey, and anything you write **will be kept confidential**. There are also some **OPTIONAL** questions at the end of the survey that ask about who you are.

Thank you for taking the time to complete this survey!

*Q.1. Please check off one of the following categories of employment:

- ☐ a. Civilian Employee
- ☐ b. Sworn Employee

The following questions ask about your job and your views of your department.

*Q.2. Please rate your overall satisfaction with the agency as a place to work.

- ☐ a. Very satisfied
- ☐ b. Dissatisfied
- ☐ c. Very dissatisfied
- ☐ d. No answer

*Q.3. How supportive are you of the direction that top management is taking this organization?

- ☐ a. Extremely supportive
- ☐ b. Very supportive
- ☐ c. Moderately supportive
- ☐ d. Slightly supportive
- ☐ e. Not supportive at all
- ☐ f. I do not know management's direction
- ☐ g. No answer

Q.4. In general, how well does your department do each of the following?

	Very well	Somewhat well	Not too well	Not well at all	No answer / Refused
a. Communicate your job responsibilities to you clearly	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Train you adequately for your job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Equip you adequately to perform your job	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*Q.5. Does your department have enough officers to adequately police the community, or not?

- ☐ a. Yes
- ☐ b. No
- ☐ c. No answer

*Q.6. Please describe how strongly you agree or disagree with the following statement. I am strongly committed to making the agency successful.

- ☐ a. Strongly agree
- ☐ b. Agree
- ☐ c. Disagree
- ☐ d. Strongly disagree
- ☐ e. No answer

Q.7. In general, how well does your department do each of the following?

	Always	Usually	Sometimes	Hardly ever	Never	No answer / Refused
a. How often do employees in your department asked for their input on decisions that will affect them?	0	0	0	0	0	0
b. How often does your supervisor tell the officers how the supervisor with respect?	0	0	0	0	0	0

*Q.8. How important is it, if at all, for law enforcement officers today to have a good knowledge of what scientific research shows are effective policing strategies?

- ☐ a. Very important
- ☐ b. Somewhat important
- ☐ c. Not too important
- ☐ d. Not at all important
- ☐ e. No answer

*Q.9. In order to be effective at their job, how important is it, if at all, for law enforcement officers to have detailed knowledge of the people, places and culture in the areas where they routinely work?

- ☐ a. Very important
- ☐ b. Somewhat important
- ☐ c. Not too important
- ☐ d. Not at all important
- ☐ e. No answer

*Q.10. When it comes to decisions about assignments and promotions, which comes closest to describing how things work in your department?

- ☐ a. Whites are treated better than minorities
- ☐ b. Minorities are treated better than whites
- ☐ c. Whites and minorities are treated about the same
- ☐ d. No answer

*Q.11. When it comes to decisions about assignments and promotions, which comes closest to describing how things work in your department?

- ☐ a. Men are treated better than women
- ☐ b. Women are treated better than men
- ☐ c. Men and women are treated about the same
- ☐ d. No answer

*Q. 12. When it comes to promotions in the MPD, what comes closest to describing how things work in the MPD? (check all that apply)

- ☐ a. the MPD has and communicates a fair and transparent process for promotions
- ☐ b. the MPD promotional process benefits individuals that are favored by MPD leadership
- ☐ c. the MPD promotional process benefits individuals that are favored by city officials
- ☐ d. the MPD does not use a formal or consistent process for promotions
- ☐ e. no answer

*Q. 13. When it comes to new assignments in the MPD, what comes closest to describing how things work in the MPD? (check all that apply)

- ☐ a. the MPD has and communicates a fair and transparent process for new assignments
- ☐ b. the MPD new assignment process benefits individuals that are favored by MPD leadership
- ☐ c. the MPD new assignment process benefits individuals that are favored by city officials
- ☐ d. the MPD does not use a formal or consistent process for new assignment
- ☐ e. no answer

*Q. 14. When it comes to discipline in the MPD, what comes closest to describing how things work in the MPD? (check all that apply)

- ☐ a. the MPD has and communicates a fair and transparent process for disciplinary action
- ☐ b. the MPD disciplinary action process benefits individuals that are favored by MPD leadership
- ☐ c. the MPD disciplinary action process benefits individuals that are favored by city officials
- ☐ d. the MPD does not use a formal or consistent process for disciplinary action
- ☐ e. no answer

Q.15. Please describe how strongly you agree or disagree with the following statements.

	Strongly agree	Agree	Disagree	Strongly disagree	No answer /Refused
a. For minor mistakes, the department helps officers with coaching and counseling rather than punishment	0	0	0	0	0
b. In this agency, the disciplinary process is fair	0	0	0	0	0

*Q.16. In general, would you say the rules governing the use of force in your department are...

- ☐ a. Too restrictive
- ☐ b. Not restrictive enough

- ☐ c. About right
- ☐ d. The department has no such guidelines
- ☐ e. I am not familiar with the department's use of force policies
- ☐ f. No answer

*Q.17. How useful are your department's use of force guidelines when officers are confronted with actual situations where force may be needed?

- ☐ a. Very useful
- ☐ b. Somewhat useful
- ☐ c. Not too useful
- ☐ d. Not useful at all
- ☐ e. The department has no such guidelines
- ☐ f. I am not familiar with the department's use of force policies
- ☐ g. No answer

*Q.18. Do you think officers should or should not be required to intervene when they believe another officer is about to use unnecessary force?

- ☐ a. Yes, they should be required to intervene
- ☐ b. No, they should not be required to intervene

c. No answer *Q.19. In your opinion, how useful in policing today is requiring MPD employees to be responsive to community concerns and work in close partnership with the community to solve problems?

- ☐ a. Very useful
- ☐ b. Somewhat useful
- ☐ c. Not too useful
- ☐ d. Not useful at all
- ☐ e. No answer

*Q.20. In your opinion, how useful in policing today is requiring MPD employees to show respect, concern, and fairness when they deal with the public?

- ☐ a. Very useful
- ☐ b. Somewhat useful
- ☐ c. Not too useful
- ☐ d. Not useful at all
- ☐ e. No answer

*Q.21. How much support does your department's leadership give to MPD employees who want to show respect, concern, and fairness when they deal with the public?

- ☐ a. A great deal of support

- ☐ b. A fair amount of support
- ☐ c. Not too much support
- ☐ d. No support at all
- ☐ e. No answer

Q.22. In the PAST 12 MONTHS, how much training, if any, have you received in each of the following areas? (Answer if you are sworn and/or civilian personnel).

	4 hours or more	Less than 4 hours	None	No answer
a. How to deal with individuals who are having a mental health crisis	0	0	0	0
b. How to deal with people so they feel they've been treated fairly and respectfully	0	0	0	0
c. Bias and fairness	0	0	0	0

Q.23. In the PAST 12 MONTHS, how much training, if any, have you received in each of the following areas? (Answer if you are sworn personnel)

	4 hours or more	Less than 4 hours	None	No answer
a. Non-lethal methods to control a combative or threatening individual or to deal with individuals who are having a mental health crisis	0	0	0	0
b. How to deescalate a situation so it is not necessary to use force	0	0	0	0
c. Firearms training involving shoot-don't-shoot scenarios	0	0	0	0

Q.24. If there is anything else that you would like to share with the Audit Team, please add your comments here:

Please note that the following four items are OPTIONAL. Collecting this information helps us ensure we are meeting needs of diverse employees and information will only be considered in the aggregate, but if you wish to skip any of these items, you may either choose the "prefer not to answer" choice.

Q.25. What is your gender?

- ☐ a. Female
- ☐ b. Male
- ☐ c. Non-binary/third gender
- ☐ d. Prefer not to answer
- ☐ e. Prefer to self-describe:

Q.26. What is your race/ethnicity? Please select all that apply.

- ☐ a. Native American or Alaskan Native
- ☐ b. Asian
- ☐ c. Black or African
- ☐ d. Hispanic, Latino, or Spanish Origin
- ☐ e. Middle Eastern or North African

☐ f. Native Hawaiian or Other Pacific Islander

☐ g. White or Caucasian

☐ h. Biracial or Multiracial

☐ i. Prefer not to answer

☐ j. Another race or ethnicity not listed here:

Q.27. What role/function best describes your work in the MPD?

☐ a. Frontline (officer, investigator)

☐ b. Civilian staff (not manager/supervisor)

☐ c. Sworn supervisor

☐ d. Civilian supervisor

☐ e. Prefer not to answer

Thank you for taking the survey.

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3003 Washington Blvd., Arlington Virginia 22201

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____:

Second by Councilor _____:

The City Council,

Moved that it be ordered,

THAT THE GREENFIELD CITY COUNCIL DECLARES REAL ESTATE ABUTTING 139 HARRISON AVENUE, A PORTION OF PARCEL 124-53, TO BE SURPLUS PROPERTY AND TRANSFERS SAID PROPERTY TO THE MAYOR FOR SALE.

Majority Vote Required

Vote:

Explanation of supporting rationale:

Memo from Director Twarog, Parcel Packet

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____:

Second by Councilor _____:

The City Council,

Moved that it be ordered,

THE GREENFIELD CITY COUNCIL AUTHORIZES THE MAYOR TO SELL A PORTION OF PARCEL 124-53, ABUTTING 139 HARRISON AVENUE, PURSUANT TO THE CITY COUNCIL POLICY FOR THE SALE OF CITY OWNED LAND AND AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO ACCOMPLISH THE SAME.

Majority Vote Required

Vote:

Explanation of supporting rationale:

Memo from Director Twarog, Parcel Packet



Roxann Wedegartner
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

ERIC TWAROG

Director

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • eric.twarog@greenfield-ma.gov • www.greenfield-ma.gov

MEMORANDUM

TO: Sheila Gilmour, President, and the members of the City Council

FROM: Eric Twarog, AICP, Director of Planning & Development

DATE: June 21, 2022

RE: Potential Sale of City-Owned Property for a Portion of Parcel 124-53.

The owners of 139 Harrison Road have requested to purchase the portion of Parcel 124-53 that abuts their property. The area in question is about 6,600 square feet in area. As per the policy for the Sale or Lease of City-Owned Land, a 30-day comment was held. The 30-day comment period ended on Friday, June 17, 2022. Comments were received from the following:

- Department of Planning and Development;
- Planning Board;
- Recreation Department;
- Recreation Commission;
- Conservation Commission.

All of these entities have forwarded a positive recommendation to the City Council. The next step in the process is for the City Council to take a vote to declare this property as surplus property. If the City Council votes to declare a portion of Parcel 124-53 as surplus property, then the final step is a sealed invitation to bid process for all direct abutters to the property.

*The City of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*



Potential Sale of City Owned Property:
A Portion of Parcel 124-53

Department of Planning and Development
May 17, 2022

Parcel 124-53 (Summer Street)

Background Information

Mayor Roxann Wedegartner has authorized the Department of Planning and Development to proceed with the surplus property distribution process for this parcel with the intention of selling a portion of this parcel. The owners of 139 Harrison Road have requested to purchase the portion of Parcel 124-53 that abuts their property. Also included in this packet is an aerial photograph of the parcel and adjacent area; the relevant tax map; property record card; and deed.







City of Greenfield, Massachusetts

Property Record Card Card 1 of 1

SUMMER ST

ID: 917

Parcel ID: 124-53-0 Book/Page: 1128\216

[Show Map](#)

Owner: GREENFIELD TOWN OF
Co-Owner:
Mailing Address: 14 COURT SQUARE
GREENFIELD MA 01301

Assessment Total: \$11,800
Total Building: \$0 Land: \$11,800 Yard Items: \$0

Land Information
Land Area: 1.96027 Primary Zoning: RA
Land Use: VACANT SELEC
Neighborhood: MG

[View sketch](#)**Building Information**

Year Built:
Style:
Rooms:
Bedrooms:
Full Baths:
3/4 Baths:
1/2 Baths:
Gross Area:
Finished Area: 0

Stories:
Heat Fuel:
Heat Type:
Frame:
Exterior:
Roof Structure:
Roof Covering:
Kitchens:
Fireplaces:

Important Information

Certified property values are for fiscal year 2022.
Property ownership is updated monthly.
Sales history is updated monthly.

Sales History[Grantor](#)

<u>Legal Reference</u>	<u>Sale Date</u>
1128\216	1961/10/1

<u>Sale Price</u>
\$0



MainStreetGIS, LLC
www.mainstreetgis.com

LIBER
1128
PAGE
216

We, EVELYN HOUGHTON, being unmarried, of Conway in the County of Carroll in the State of New Hampshire, MILDRED LYMAN of Greenfield in the County of Franklin in the Commonwealth of Massachusetts and RUTH DIGGINS of said Greenfield, both being married

of

County, Massachusetts,

~~do hereby~~ for consideration paid, grant to the INHABITANTS OF THE TOWN OF GREENFIELD in the Commonwealth of Massachusetts

~~with quitclaim covenants~~

~~with quitclaim covenants~~

with Quitclaim Covenants

~~do hereby~~ the fee in the following described parcels of land contained within the limits of the following named streets:

PINE STREET between Wells Street and Conway Street as shown on a plan of lots owned by W.E. Benson in 1911 known as the Oak Grove Tract;

WOODBINE STREET between Summer Street and Davis Street as shown on a plan of lots owned by W.E. Benson in 1917 known as Silver Terrace.

POPLAR STREET between Gold Street and Cherry Street as shown on a plan of lots owned by W.E. Benson in 1913 known as Hilltop Terrace;

POPLAR STREET between Gold Street and Summer Street as shown on a plan of lots owned by W.E. Benson in 1913 known as Hilltop Terrace;

COTTAGE STREET between Gold Street and Cherry Street as shown on a plan of lots owned by W.E. Benson in 1913 known as Hilltop Terrace;

Since the consideration for this conveyance is nominal, no Federal Revenue Stamps or State Excise Stamps are necessary.

Our title to the foregoing premises is as devisees under the will of said Florence R. Benson, late of said Greenfield, Franklin County Probate Court Docket #36867.

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We, KENNETH H. LYMAN and WILLIAM T. DIGGINS ~~Husbands~~ of said grantor,s,
Mildred Lyman and Ruth Diggins, respectively,

release to said grantee all rights of tenancy by the entirety ~~to said grantee~~ and other interests therein.

Witness our hands and seal this 28th day of JUNE 19 61

_____	<u>Emily Stratton</u>
_____	<u>Mildred Lyman</u>
_____	<u>Ruth Diggins</u>
_____	<u>Kenneth Lyman</u>
_____	<u>William T. Diggins</u>

The Commonwealth of Massachusetts

Franklin ss.

JUNE 28th, 19 61

Then personally appeared the above named

MILDRED LYMAN

and acknowledged the foregoing instrument to be her free act and deed, before me

Stanley L. Cummings
Notary Public

My commission expires

STANLEY L. CUMMINGS, Notary Public
My commission expires May 4, 1965

Rec'd for record 3:58 Min. P.M. Oct 20, 1961

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____:
Second by Councilor _____:

The City Council,

Moved that it be ordered,

THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, SECTION 200-6.7: SIGN REGULATIONS, AS INDICATED BY ATTACHED EXHIBIT A, WITH STRIKETHROUGH TEXT TO BE DELETED AND BOLD TEXT TO BE ADDED:

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Two/Thirds (2/3) Vote Required (9)

Vote:

Explanation of supporting rationale:

**PROPOSED AMENDMENT TO THE GREENFIELD ZONING ORDINANCE
AMENDING SECTION 200-6.7 – SIGNS**

**August 11, 2021, September 21, 2021, November 5, 2021, December 2, 2021, April 7, 2022,
April 21, 2022**

Note: Text with a ~~strike through~~ is text to be deleted, *black bold italic* text is newly proposed text.

§ 200-6.7 Sign Regulations

[§ 200-6.7 Amended - deleted section and replaced in its entirety by Town Council July 20, 2005]

Definitions:

A billboard is a sign used for the display of posters, printed or painted advertising matter either illuminated or non-illuminated, that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the premises where the sign is located.

Sign regulations.

Any sign erected, altered, or enlarged after the adoption of this ordinance shall conform to the applicable provisions of this section. The purpose of this section is to protect the general public from damage and injury caused by the distractions, hazards, and obstructions caused by signs and to preserve the value of property by ensuring the compatibility of signs with surrounding land uses.

Administration and Enforcement.

All signs, unless otherwise specified in this ordinance, require a sign permit from the Inspector of Buildings who shall determine conformance of a sign allowed by right according to the provisions of this ordinance and/or by way of a special permit. No sign shall be erected except in conformity with a sign permit. The Inspector of Buildings is authorized to order the repair or removal of any sign and its supporting structures which in his/her judgment is dangerous, in disrepair, or which is erected or maintained contrary to this ordinance and/or the provisions of a special permit.

A. Permitted signs by district.

(1) Signs in the Residential, Semi-Residential, and Health Districts.

(a) One (1) identification sign per dwelling unit for single and two family residences not exceeding two (2) square feet in area. If freestanding, it shall not be higher than four (4) feet and shall be set back at least three (3) feet from the public right-of-way and shall also be in accordance with § 200-5.3D, corner lots. Such signs shall be for identification purposes only, displaying the number or name of the occupant.

(b) Identification signs for occupants of multifamily dwelling units shall be grouped together on one (1) sign which shall not exceed six (6) square feet in area. Such signs may be located at each primary entrance to a building and shall not exceed four (4) feet in height if freestanding.

(c) One (1) entrance sign identifying the name of a subdivision, multifamily or condominium development not to exceed twelve (12) square feet in area and four (4) feet in height and shall be set back at least three (3) feet from the public right-of-way.

(d) One (1) bulletin or announcement board or identification sign not exceeding ten (10) square feet in area for each permitted nonresidential building or use provided that such sign, if freestanding, shall not be located nearer to a public right-of-way than one-half (1/2) the depth of the required front yard. Churches, public educational and other institutional uses shall be permitted two (2) such bulletin or identification signs provided one (1) does not exceed twenty (20) square feet in area and the other ten (10) square feet in area. Such signs shall not exceed six (6) feet in height if freestanding.

(e) One (1) sign in connection with a lawfully maintained nonconforming use or in connection with a greenhouse, nursery, or farmstand not exceeding twenty (20) square feet in area or six (6) feet in height if freestanding and shall be set back at least three (3) feet from the public right-of-way.

(f) One (1) sign in connection with a home occupation not exceeding three (3) square feet in area. If freestanding, it shall not be higher than four (4) feet and shall be set back at least three (3) feet from the public right-of-way and shall also be in accordance with § 200-5.3D, corner lots. Such signs shall be for identification purposes only, displaying any of the following the name of the home occupation, phone number and/or website address.

(2) Signs in the Central Commercial District.

(a) One (1) sign for each establishment located ~~on the ground floor in~~ and along the frontage of a building. The sign(s) shall be affixed to the frontage wall of the building. If a building fronts on more than one (1) street, both frontage walls may be used for all such signs. The total combined area of such signs shall not exceed ten percent (10%) of the area of the building face upon which the signs are attached or a maximum of forty-five (45) square feet per sign, whichever is less. Individual signs shall be sized based on the building face area occupied by each establishment. Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) identification sign painted or attached to the building for each entrance not on the front of the building not to exceed ten (10) square feet in area.

(c) One (1) freestanding sign identifying the establishments on the premises not to exceed twenty-five (25) square feet in total area and ten (10) feet in height. Such sign shall be placed at least three (3) feet from the public right-of-way and shall not overhang the sidewalk. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign.

(d) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

(3) Signs in the Limited Commercial, Office, and General Industry Districts.

(a) One (1) sign for each establishment in a building affixed to one (1) wall of a building. ~~If a building fronts on more than one (1) street, only one (1) wall may be used for such signs. If a building fronts on more than one (1) street, both building faces may be used for all such signs.~~ The total combined area of such signs shall not exceed ten percent (10%) of the area of the building faces upon which the signs are attached. ~~or a maximum of~~ The total signage on the building shall not exceed forty-five (45) square

~~feet per sign whichever is less.~~ Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) identification sign painted or attached to the building for each entrance not on the front of the building not to exceed ten (10) square feet in area.

(c) One (1) freestanding sign identifying the establishment(s) on the premises not to exceed forty (40) square feet in area and fifteen (15) feet in height. Such sign shall be placed at least three (3) feet from the public right-of-way and shall not overhang the sidewalk. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign.

(d) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

(4) Signs in the Planned Industry District.

(a) Two (2) signs for each establishment in a building. No establishment shall affix more than one (1) sign to each wall of the building. The total combined area of such signs shall not exceed ten percent (10%) of the area of the building face upon which the signs are attached or a maximum of eighty (80) square feet whichever is less. Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) freestanding sign identifying the establishment(s) on the premises not to exceed thirty-six (36) square feet in area and six (6) feet in height. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign. Such sign shall be placed at least three (3) feet from the public right-of-way.

(c) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

(d) One (1) entrance sign identifying the name and occupants of an industrial park or industrial subdivision not to exceed sixty (60) square feet in area and six (6) feet in height.

(5) Signs in the General Commercial District.

(a) One (1) sign for each establishment in a building affixed to one (1) wall of a building. ~~If a building fronts on more than one (1) street, only one (1) wall may be used for such signs. If a building fronts on more than one (1) street, both building faces may be used for all such signs.~~ The total combined area of such signs shall not exceed ten percent (10%) of the area of the building faces upon which the signs are attached. ~~or a maximum of~~ *The total signage on the building shall not exceed* sixty-four (64) square feet, ~~whichever is less.~~ Such signs shall include wall, projecting, marquee signs and awnings.

(b) One (1) identification sign painted or attached to the building for each entrance not on the front of the building not to exceed ten (10) square feet in area.

(c) One (1) freestanding sign identifying the establishment(s) on the premises not to exceed sixty-four (64) square feet in area and fifteen (15) feet in height. Such sign shall

be placed at least three (3) feet from the public right-of-way. Premises occupied by more than one (1) establishment shall share one (1) freestanding sign.

(d) Any sign allowed in a residential district under § 200-6.7A (1) of this ordinance shall be permitted.

B. Off-premises signs.

(1) Billboards shall be prohibited.

(2) Other off-premises signs may be allowed under a special permit from the Zoning Board of Appeals only if the Board finds that such signs will serve the public convenience, will not endanger the public safety, and will not be detrimental to the neighborhood. Off-premises signs shall only pertain to directional information for establishments located in Greenfield not on a state highway and shall not exceed nine (9) square feet in area and ten (10) feet in height.

(3) The existence of any off-premises sign shall not necessarily mean that a special permit for an additional off-premises sign shall be granted.

C. General sign regulations.

(1) Wall signs may be painted on or attached to the wall of a building, shall be in the same plane as the wall, and shall not project from the wall by more than twelve (12) inches.

(2) Projecting signs shall not project more than three (3) feet from the face of the building, shall not project over a public street, and shall have a minimum clearance of eight (8) feet above the sidewalk and thirteen (13) feet above an alley, driveway, or private street. Projecting signs shall project from the wall at a ninety-degree angle. Projecting signs shall not extend vertically above the windowsill of the second story and shall not block the visibility of any other sign. Projecting signs over the public right-of-way require both a sign permit and license from the Greenfield Licensing Commission.

(3) All signs or advertising devices, except time and temperature indicators and barber poles shall not contain any visibly moving or movable parts.

(4) No sign shall generate music or an audible message.

(5) *Dynamic display signs also known as electronic message centers shall be prohibited. Dynamic display signs also known as electronic message centers -- means any sign designed for outdoor use that is capable of displaying an electronic signal, including, but not limited to, cathode-ray tubes (CRT), light-emitting diode (LED) displays, plasma displays, liquid-crystal displays (LCD), or other technologies used in commercially available televisions or computer monitors. Signs with this technology which are placed by a public agency for the purpose of directing or regulating pedestrian or vehicle movement are exempt from this chapter. Dynamic displays shall comply with the following:*

(a) Minimum display time between display changes shall be 30 seconds. Transition time to next display shall be less than one second.

(b) Display boards shall not emit sound.

(c) The display must be turned off at 11:00 p.m. or at the close of business, whichever is later.

~~(d) Signs must have photocells that automatically dim in dark conditions in direct correlation to natural ambient light conditions. At no time shall the sign lights be greater than 0.3 footcandle above ambient light conditions.~~

(56) No sign shall be so designed or colored or so placed as to endanger, obscure, confuse, blind by glare, or otherwise create a hazardous condition to motorists or pedestrians nor shall any sign resemble or conflict with any traffic control signs or signals.

(67) No sign attached to a building shall project horizontally beyond the end of the wall or vertically above its roof or parapet line.

(78) No sign shall be located in a required side or rear yard.

(89) No freestanding sign shall exceed fifteen (15) feet in height unless otherwise specified in this ordinance. Height is the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

(910) Double sided signs with equal and parallel faces providing identical information on both sides shall be measured on one (1) side only in determining the sign area.

(1011) Signs painted or placed on the inside of a window shall not exceed twenty percent (20%) of the area of the window glass.

(1112) A marquee is a permanent roof-like structure attached to, supported by, and projecting from a building and providing protection from the elements. Marquees shall be included in the total area of signage allowed on the face of a building and shall have a minimum clearance of ten (10) feet above the sidewalk.

~~(1213) Awnings are coverings either permanently attached to the building or which can be raised or retracted to a position against the building when not in use. Any lettering larger than six (6) inches in height or symbols exceeding four (4) square feet in area shall be included in the total area of signage allowed on the face of the building. The entire illuminated area of an awning shall be considered part of the sign area. Awnings projecting over the public right of way require a license from the Greenfield Licensing Commission.~~

~~(1314) Awning canopies are awnings with the long axis projecting perpendicular to the building rather than parallel and requiring posts or poles to support the end of the canopy furthest away from the building. Awning canopies shall require a license from the Greenfield Licensing Commission.~~

(1415) Roof canopies are freestanding structures or structures attached to a building designed to provide pedestrian and vehicular protection including but not limited to canopies over gas pumps and drive-up windows. Any area of a roof canopy which contains lettering, registered trademarks, symbols, internal illumination, or decorative lights shall be considered signs and shall comply with all the requirements of these sign regulations.

~~(1516) All signs shall pertain to the identification of the firm and the products or services produced or available on the premises unless the sign is an off-premises sign allowed under a special permit from the Zoning Board of Appeals in accordance with § 200-6.7B of this ordinance.~~

(1617) All signs shall be taken down and related support structures dismantled, within thirty (30) days, when a business is no longer in operation.

(1718) Sandwich board signs are permitted directly in front of the place of business in the Central Commercial, ~~and Limited Commercial, and General Commercial Districts only. All sandwich board signs in the public right of way must receive a license from the Greenfield Licensing Commission. A reproduction of such license shall be attached to the sign.~~ All sandwich board signs ~~on private property~~ shall not exceed three (3) feet in height and two (2) feet in width. ~~{Added by the Town Council on November 18, 2009}. The following standards shall apply to sandwich board signs:~~

- (a) No sandwich board sign shall be attached to, or leaned against, any street furniture, utility facility (including poles and boxes), street light or any other sign;
- (b) No sandwich board sign shall be placed in such a manner as to reduce the unobstructed path of travel on any sidewalk to less than forty-eight (48) inches wide, and if the existing unobstructed path of travel of a sidewalk is forty-eight (48) inches or less in width, no sign shall be placed on said sidewalk;
- (c) No sandwich board sign shall be placed within a curb cut or ramp right-of-way installed to provide improved access to a sidewalk for the disabled or block a path to and from the right-of-way;
- (d) Sandwich board signs may be displayed only during hours of operation.

D. Illumination.

- (1) Signs may be lighted internally or externally but illumination shall be shielded or indirect to prevent glare or shining onto any street or adjacent property.
- (2) Signs in residential districts may not be illuminated except for signs identifying a place open to the public, such as a church or nursing home, and such signs may be lighted only indirectly and in a manner that will not permit light to shine onto any street or adjacent property.
- (3) All lighting shall be continuous and nonflashing.
- (4) No sign shall be illuminated between eleven p.m. (11:00 p.m.) and seven a.m. (7:00 a.m.) unless indicating that the establishment is open to the public during those hours.

E. Temporary signs.

- (1) Temporary signs, except real estate, union/labor signs and political signs, relating to a business, service, product or activity on the premises on which the sign is located shall be removed from public view within seven (7) days after the activity advertised has ceased or after thirty (30) days from the date the sign was erected, whichever comes first.
- (2) Temporary signs attached to or projecting from the outside of a building or from a freestanding sign which are regularly or occasionally replaced or substituted shall be considered permanent signs and shall be included in the maximum allowable sign area for wall or freestanding signs.
- (3) Temporary signs painted or placed on the inside of a window shall be permitted provided that the total combined area of such signs shall not exceed twenty percent (20%) of the area of window glass.

(4) Decorative displays such as flags not exceeding fifteen (15) square feet and not containing advertising, and any American flag, shall be permitted and do not require a sign permit but will require a permit from the licensing commission if over a public way.

(5) No private sign or advertisement shall be placed on any public property including but not limited to buildings, land, fences, utility poles, or trees except by permit of the Greenfield Board of License Commissioners.

(6) One (1) temporary real estate sign shall be allowed in any district advertising the sale or rent of the premises on which the sign is located not exceeding six (6) square feet in area.

(7) One (1) temporary sign per contractor maintained on a lot while the work is actually in progress not exceeding thirty-two (32) square feet in area is allowed in any district.

(8) Nothing in this section shall in any way replace or expand allowances under the Municipal Tag Sale Ordinance.

F. Exceptions.

(1) The Zoning Board of Appeals may grant a special permit for an exception to the number, height, location, or area requirements of a sign subject to a finding that such sign will promote the public interest and that the size, number, height, location, and design of such sign will not be detrimental to the neighborhood. The following criteria shall be considered when reviewing a special permit request:

- (a) The number, height, location, or area of signs should be justifiable because of multiple frontages, development scale, compliance with the regulations would not produce a visually attractive sign, or other special need;
- (b) Other public or private signage on nearby properties should not have its visibility unreasonably diminished;
- (c) Sign content should identify the specific local enterprise, rather than one of many standard brand products available on the premises;
- (d) Sign design should use placement, colors, and form compatible with building design;
- (e) Lighting should be steady, stationary, shielded and directed solely at, or internal to, the sign, with brightness not inconsistent with other signs in the vicinity of the City and shall comply with all other requirements of these sign regulations.

(2) The Zoning Board of Appeals may grant a special permit for one (1) freestanding sign for the identification of an open air use containing no building.

(3) No sign, other than traffic control and route signs authorized by public agencies, shall be placed within a public right-of-way unless a special permit has been granted by the Zoning Board of Appeals with prior written approval from the Greenfield Licensing Commission and the Greenfield Department of Public Works for City/County rights-of-way, and the Massachusetts Department of Public Works for State rights-of-way.

- G. Maintenance. Any broken, worn or illegible elements of a sign awning or canopy shall be promptly repaired, replaced or removed as directed by the Inspector of Buildings in accordance with this ordinance and with the State Building Code.
- H. Nonconforming signs. Nonconforming signs or other advertising devices legally erected may continue to be maintained provided, however, that no such sign or other advertising device shall be permitted if it is enlarged, reworded (other than in the case of theatre or cinema signs or time and temperature signs), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this ordinance and provided further that any such sign or other advertising device which has been destroyed or damaged or has deteriorated to such an extent that the cost of restoration would exceed one-third (1/3) of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this ordinance. Any sign or other advertising device shall comply with all provisions of these Sign Regulations, § 200-6.7, if such sign or advertising device:
- (1) Has been abandoned;
 - (2) Advertises or calls attention to any products, business or activities which are no longer sold or carried on at the particular premises; or
 - (3) Has not been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Inspector of Buildings.
- I. Priority Development Sites. [§ 200-6.7(I) added by Town Council October 21, 2009]
- (1) For any sign allowed as-of-right at a Priority Development Site (PDS), an application therefore shall be submitted to the Inspector of Buildings no later than one hundred fifty (150) days following submission of any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than thirty (30) days from said date of submission.
 - (2) For any sign at a Priority Development Site (PDS) requiring a special permit as per Section F, above, an application therefore shall be submitted to the Zoning Board of Appeals simultaneously with any other permit application(s) required (a) by this Ordinance or (b) by the Code, generally, relating to the use or development of land, buildings or structures and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than one hundred twenty (120) days from said date of submission. Upon the issuance of a such a permit, immediately thereafter, but not prior to the expiration of the applicable appeal period, an application for a sign permit shall be submitted to the Inspector of Buildings, who shall render a decision thereon no later than thirty (30) days from said date of submission.



Roxann Wedegartner
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

PLANNING BOARD

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • eric.twarog@greenfield-ma.gov • www.greenfield-ma.gov

TO: Sheila Gilmour, City Council President
Members of the Greenfield City Council

FROM: Charles Roberts, Chairperson, Planning Board

DATE: June 24, 2022


RE: Planning Board recommendation on the proposed amendments to Section 200-6.7, Sign Regulations, of the Zoning Ordinance.

At its June 23, 2022 meeting, the Planning Board, after careful consideration and deliberation, took the following vote relative to the proposed amendments to Section 200-6.7, Sign Regulations, of the Zoning Ordinance:

MOTION: Moved by Toulountzis, seconded by McMahan, and voted 5:0:0 to forward a positive recommendation to the City Council on the proposed amendments to Section 200-6.7, Sign Regulations, of the Zoning Ordinance.

Respectfully submitted,
Charles Roberts
Chairperson, Planning Board

Attachment



*The City of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____ :
Second by Councilor _____ :

The City Council,

Moved that it be ordered,

THAT THE CITY COUNCIL OF GREENFIELD, PURSUANT TO THE PROVISIONS OF CHAPTER 94G, SECTION 3 OF THE M.G.L., IN ORDER TO IMPOSE REASONABLE SAFEGUARDS ON THE OPERATION OF OUTDOOR MARIJUANA CULTIVATIONS, AND TO RESTRICT THE LICENSED CULTIVATION, PROCESSING AND MANUFACTURING OF MARIJUANA, AMEND THE ZONING ORDINANCE, CHAPTER 200, AS FOLLOWS:

- Section 200-4.2 Rural Residential District (RC) section (C) Uses by special permit, is hereby amended by adding the following new section:
“(22) Marijuana cultivation limited to Tier 1 (5,000 square feet) pursuant to ~200-7.17”
- Section 200-7.17. Marijuana Establishments, is hereby further amended by adding at the end of section (B) 4 the following new language:
“A marijuana outdoor cultivation is limited to Tier 1 (5,000 square feet) per license. No Person or Entity Having Direct or Indirect Control shall be granted, or hold, more than three licenses in a particular class. The maximum outdoor canopy permissible under all licenses for a single parcel is 15,000 sq. ft.”

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Two/Thirds (2/3) Vote Required (9)

Vote:

Explanation of supporting rationale:

Proposed Cannabis cultivation language.

EDC: This came in over the transom. Councilor Forgey says it's fine with her.

GREENFIELD ZONING AMENDMENT

Motion: Pursuant to the provisions of Chapter 94G, section 3 of the M.G.L., in order to impose reasonable safeguards on the operation of outdoor marijuana cultivations, and to restrict the licensed cultivation, processing and manufacturing of marijuana that is a public nuisance, the City of Greenfield hereby makes the following amendments to its Zoning Ordinance:

1. Section 200-4.2 Rural Residential District (RC) section (C) Uses by special permit, is hereby amended by adding the following new section:

“(22) Marijuana cultivation limited to Tier 1 (5,000 square feet) pursuant to ~200-7.17”

2. ~ 200-7.17. Marijuana Establishments is hereby further amended by adding at the end of section (B) 4 the following new language: “A marijuana outdoor cultivation is limited to Tier 1 (5,000 square feet) per license. No Person or Entity Having Direct or Indirect Control shall be granted, or hold, more than three licenses in a particular class. The maximum outdoor canopy permissible under all licenses for a single parcel is 15,000 s.f.”



Roxann Wedegartner
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

PLANNING BOARD

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Phone 413-772-1549 • eric.twarog@greenfield-ma.gov • www.greenfield-ma.gov

TO: Sheila Gilmour, City Council President
Members of the Greenfield City Council

FROM: Charles Roberts, Chairperson, Planning Board

DATE: July 13, 2022


RE: Planning Board Recommendation on the Proposed Tier Limit on all Outdoor
Marijuana/Cannabis Cultivation Facilities

At its July 12, 2022 special meeting, the Planning Board, after careful consideration and deliberation, took the following vote relative to the proposed Tier limit on all outdoor marijuana/cannabis cultivation facilities:

MOTION: Moved by Chichester, seconded by McMahan, and voted 3:1:0 (Toulountzis voted against) to forward a positive recommendation to the City Council on the proposed Tier limit on all outdoor marijuana/cannabis cultivation facilities.

Respectfully submitted,
Charles Roberts
Chairperson, Planning Board

Attachment



*The City of Greenfield is an Affirmative Action/Equal Opportunity Employer,
a designated Green Community and a recipient of the "Leading by Example" Award*

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____:
Second by Councilor _____:

The City Council,

Moved that it be ordered,

THAT THE CITY COUNCIL OF GREENFIELD AMEND THE ZONING ORDINANCE, CHAPTER 200, TO ADD NEW SECTION 7.3: TEMPORARY MORATORIUM ON OUTDOOR MARIJUANA CULTIVATION FACILITIES, AS INDICATED BY ATTACHED EXHIBIT A,

AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF THE CODE. AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Two/Thirds (2/3) Vote Required (9)

Vote:

Explanation of supporting rationale:



Roxann Wedegartner
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

ERIC TWAROG

Director

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • eric.twarog@greenfield-ma.gov • www.greenfield-ma.gov

PROPOSED AMENDMENT TO THE GREENFIELD ZONING ORDINANCE

June 2, 2022

Note: Text with a ~~strike through~~ is text to be deleted, *black bold italic* text is proposed new text.

Amend the Greenfield Zoning Ordinance by adding the following section for a temporary moratorium on all outdoor Marijuana Cultivation facilities:

~ 200-7.3 Temporary Moratorium on Outdoor Marijuana Cultivation Facilities

A. Purpose

The City intends to adopt a temporary moratorium on the use of land and structures in the City for all Outdoor Marijuana Cultivation Facilities so as to allow the City sufficient time to engage in a planning process to address the effects of such structures and uses on residential neighborhoods and in the City as a whole; and to amend Section 200-7.17, Marijuana Establishments, of the Zoning Ordinance in a manner consistent with sound land use planning goals and objectives.

B. Definition

***MARIJUANA CULTIVATOR** – An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator. [Definition Added by Town Council on June 20, 2018]*

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures for all outdoor marijuana cultivation facilities. The moratorium shall be in effect through June 30, 2023. During the moratorium period, the City shall undertake a planning process to address the potential impacts of marijuana cultivation facilities in the City, and shall consider amending Section 200-7.17, Marijuana Establishments, of the Zoning Ordinance to address the impact and operation of outdoor marijuana cultivation facilities on residential neighborhoods and the City as a whole.

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Roxann Wedegartner
Mayor

City of
GREENFIELD, MASSACHUSETTS

PLANNING AND DEVELOPMENT

PLANNING BOARD

City Hall • 14 Court Square • Greenfield, MA 01301
Phone 413-772-1549 • eric.twarog@greenfield-ma.gov • www.greenfield-ma.gov

TO: Sheila Gilmour, City Council President
Members of the Greenfield City Council

FROM: Charles Roberts, Chairperson, Planning Board

DATE: July 13, 2022


RE: Planning Board Recommendation on the Proposed Zoning Amendment Calling
for a 1-Year Moratorium on all Outdoor Marijuana Cultivation Facilities

At its July 12, 2022 special meeting, the Planning Board, after careful consideration and deliberation, took the following vote relative to the proposed zoning amendment calling for a 1-Year Moratorium on all Outdoor Marijuana Cultivation Facilities:

MOTION: Moved by Roberts, seconded by Chichester, and voted 3:1:0 (Toulountzis voted against) to forward a negative recommendation to the City Council on the proposed zoning amendment calling for a 1-Year Moratorium on all Outdoor Marijuana Cultivation Facilities.

Respectfully submitted,
Charles Roberts
Chairperson, Planning Board

Attachment



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Doherty Wallace Pillsbury & Murphy P.C.

July 6, 2022

Via e-mail (Roxann.Wedegartner@greenfield-ma.gov)

Mayor Roxann Wedegartner
City of Greenfield
14 Court Square
Greenfield, MA 01301

Re: Questions Related to Cannabis Moratorium and Zoning Amendments

Dear Mayor Wedegartner:

You have asked me to render an opinion as to whether a proposed one-year cannabis moratorium would survive judicial review and, if so, whether it would apply to a project that has already received an endorsement for an ANR from the Greenfield Planning Board. While it not entirely clear how a reviewing court would address the moratorium, it is my opinion that it is unlikely to survive judicial review for the reasons set forth below. In the event that it was found to be valid and enforceable, it is my opinion that it would not apply to the project proposed for 446 Country Club Road.

You have also asked me to opine as to whether a proposed amendment to the cannabis zoning ordinance that reduced the maximum size of a cannabis cultivation project would be applicable to the proposed project at 446 Country Club Road, notwithstanding the ANR endorsement the project has already received from the Greenfield Planning Board. It is my opinion that the proposed restriction on the size of a cultivation project would be applicable to the proposed project at 446 Country Club Road since it does not eliminate a category of use on the property.

Cannabis Moratorium

With respect to the moratorium generally, there is reason to believe that a reviewing court would find the moratorium improper and unenforceable. While municipalities enacted temporary moratoriums throughout Massachusetts when adult use cannabis first became legal, the purpose for such restrictions was to allow communities to have comprehensive zoning regimes in place before being inundated with applications for which it was not properly prepared. In this context,

Jesse W. Belcher-Timme Direct (413) 233-9570 jtimme@dwpm.com

One Monarch Place, Suite 1900 • Springfield, MA 01144-1900 • T 413-733-3111 • F 413-734-3910 • dwpm.com

818242.1

July 6, 2022

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the Attorney General's Office approved moratoriums in numerous towns where they were for a reasonable period of time and appeared to be calculated to allow for the adoption of comprehensive zoning regulations.¹

More recently, the Attorney General's Office has denied moratoriums in the cannabis realm due to the passage of time since the commencement of adult use cannabis in Massachusetts and the fact that many communities now have (or should have) comprehensive zoning regulations in place. See, e.g., AG's Decision regarding a cannabis moratorium enacted by the Town of Phillipston (May, 24, 2021), a copy of which is attached as Exhibit A hereto.

While it is impossible to determine how a specific judge reviewing a hypothetical cannabis moratorium would evaluate the "reasonableness" of the ordinance, it seems safe to say that there is a strong likelihood that the judge would follow the lead of the Attorney General's Office and reach the same conclusion set forth in Exhibit A. This is especially true here, where Greenfield already has a comprehensive adult use cannabis zoning ordinance in place and merely seeks to amend the restrictions in place and the management of that process, as I understand it. I believe a judge that is tasked with reviewing the proposed Greenfield moratorium would follow the process outlined in the AG Decision attached at Exhibit A hereto and would reach the same conclusions regarding the required considerations. As a result, it is my opinion that it is likely that, if challenged, the proposed cannabis moratorium would be overturned by a reviewing court.

If, however, a reviewing court upheld the cannabis moratorium, it is my opinion that it would not apply to the current project being considered for the property located at 446 Country Club Road in Greenfield. Massachusetts law provides for a three-year zoning freeze for any parcels that have been endorsed as "approval not required" ("ANR") under the subdivision control law. See, G. L. c. 40A, §6. Specifically, with respect to such parcels that are endorsed as ANR, "the use of the land shown [on an ANR plan] shall be governed by applicable provisions of the zoning ordinance or by-law in effect at the time of the submission of such plan...for a period of three years from the date of endorsement by the planning board...." *Id.* While there are limits to the protection afforded by an ANR endorsement (see below for further discussion of this issue), the elimination of a category of use, even for a one-year period, would likely render the moratorium inapplicable to the project in question here.

¹ Note that the Attorney General's Office must review all bylaws adopted in towns in Massachusetts following town meeting to confirm that they are not in conflict with the Constitution of General Laws of the Commonwealth. G. L. c. 40, § 32. While this does not ensure that a bylaw cannot be successfully challenged after the fact, it gives communities some level of assurance that the bylaw is legally proper as drafted – at least with respect to conflicts with state law and the Massachusetts Constitution. There is no such mandatory review for ordinances adopted by cities in Massachusetts. Any challenge to the ordinances of a city, including this moratorium, would likely be in the form of a lawsuit seeking judicial review by any opponent of the proposed moratorium.

July 6, 2022

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Proposed Reduction in Cultivation Size

As set forth above, an ANR freezes the zoning law applicable to a parcel of property for three years *with respect to uses on the property*. Massachusetts courts, in interpreting this section of the statute, have held that zoning amendments that are adopted after an ANR will only apply to the protected parcel if they “constitute or otherwise amount to a total or virtual prohibition” of a category of use on the property. Bellows Farms, Inc. v. Bldg. Inspector of Acton, 364 Mass. 253, 260 (1973). Thus, as the Court ruled in Bellows Farms, even where a zoning amendment “had the effect of reducing the maximum number of [apartment] units which could be built on the locus from the previous 435 to 203,” the amendment was applicable to the parcel in question due to the fact that the property owner could still develop the land for apartment units. Id. The Court held that the three-year protection afforded by G.L. c. 40A, § 6 “means protection only against the elimination of or reduction in the kinds of uses which were permitted when the plan was submitted to the planning board [for the ANR].” Id.

Subsequent courts in Massachusetts have reiterated this principle and confirmed that the protection afforded by the ANR freeze is “narrow.” Cicatelli v. Bd. of Appeals of Wakefield, 57 Mass. App. Ct. 799, 802 (2003) (“That a dimensional regulation results in a reduction in the scope or extent of a plan’s protected use—even a great reduction, as in Bellows Farms—does not, therefore, warrant its characterization as de facto use regulation undermining the protection of the G.L. c. 40A, § 6, sixth par., zoning freeze.”). It is only, therefore, when a category of use is entirely eliminated that the ANR freeze applies. See, e.g., Samson v. San-Land Dev. Corp., 17 Mass. App. Ct. 977, 978 (1984) (“Here, the use (multifamily housing) was completely eliminated by the new zoning ordinance. Thus, the statutory protection extends to [plaintiff’s land], and it is not required to seek a special permit.”).

Since the proposed zoning amendment at issue here would still allow use of the property in question for cannabis cultivation, it cannot constitute a “total...prohibition” of a category of use. Bellows Falls, supra, 364 Mass. 260. As a result, the only avenue for the property owner at 446 Country Club Road to avail itself of the ANR zoning freeze would be to show that the reduction in size somehow rises to the level of a “virtual prohibition” on the use of the property for cannabis cultivation. Id. While this analysis would likely be extremely fact based, it seems incredibly unlikely that a court would be convinced that this reduction in scope was sufficient to be treated as a “virtual prohibition” on the use. Id. See also, Cicatelli, supra, 57 Mass. App. Ct. at 802 (“even a great reduction” in the size or scope of a plan’s protected use is not a prohibition warranting application of the ANR zoning freeze).

For this reason, it is my opinion that the proposed amendment of the cannabis zoning ordinance would be applicable to the proposed project at 446 Country Club Road as it does not constitute an elimination of a category of use on the protected parcel.

The opinions stated herein are based on numerous factual assumptions set forth in this letter and our related communications. If you believe I have misstated any facts or relied upon any assumptions that are incorrect, please let me know so that I may reconsider my conclusions.

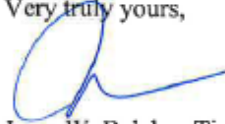
Doherty Wallace Pillsbury & Murphy P.C.

July 6, 2022

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As always, please feel free to contact me with any questions or to discuss this matter in more detail.

Very truly yours,



Jesse W. Belcher-Timme

Enclosure

Cc: Kathryn J. Scott, City Clerk/City Council Clerk (*via email*)



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608



(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

March 24, 2021

Karin Foley, Town Clerk
Town of Phillipston
50 The Common
Phillipston, MA 01331

**Re: Phillipston Annual Town Meeting of June 29, 2020 -- Case # 9839
Warrant Article # 21 (Zoning) ¹**

Dear Ms. Foley:

Article 21 - Under Article 21 the Town voted to amend the zoning by-laws to add a new Section 25, "Temporary Moratorium on the Siting of Marijuana Establishments," that seeks to impose a moratorium "on the use of land or structures for recreational, adult use Marijuana Establishments" until December 31, 2021.² Because we cannot conclude that the proposed moratorium furthers a legitimate zoning purpose, we must disapprove and delete the new Section 25 in its entirety.

In this decision, we summarize the proposed moratorium adopted under Article 21; the Attorney General's standard of review of town by-laws; and then explain why, based on our standard of review, we disapprove Article 21. We emphasize that our disapproval in no way implies any agreement or disagreement with the policy views that led to the passage of the by-law. The Attorney General's limited standard of review requires her to approve or disapprove by-laws based solely on their consistency with state, not on any policy views she may have on

¹ On July 14, 2020, the Town submitted a by-law submission for Article 21 to this Office. On August 19, 2020, we placed that by-law submission on "hold" until such time as we received from the Town all of the documents necessary to conduct our review pursuant to G.L. c. 40, § 32 and G.L. c. 40A, § 5. On August 31, 2020, we received a completed by-law submission from the Town and notified the Town of our new 90-day deadline (November 29, 2020). On September 22, 2020 we placed Article 21 on "299 hold" in accordance with Chapter 299 of the Acts of 2000 because of a procedural defect in the planning board hearing notice. On October 19, 2020, the Town Clerk certified that the Town had followed all notice and publishing requirements of Chapter 299, and no claims were received. The Attorney General is therefore authorized to, and does, waive the procedural defects. Following the Town's completion of the 299-hold process, our 90-day review period resumed and we notified the Town of our new deadline (December 25, 2020). On November 6, 2020, by agreement with Town Counsel, and in accordance with G.L. c. 40, § 32, we extended our 90-day deadline for review of Article 21 for an additional 90 days until March 25, 2021.

² Or "until such time as the Town adopts amendments to the Zoning Bylaw regulating such Marijuana Establishments, whichever occurs earlier."

the subject matter or wisdom of the by-law. Amherst v. Attorney General, 398 Mass. 793, 795-96, 798-99 (1986).

I. Summary of Article 21 - Temporary Moratorium on the Siting of Marijuana Establishments

Article 21 proposes to amend the Town's zoning by-laws to add a new Section 25, "Temporary Moratorium on the Siting of Marijuana Establishments," to impose a temporary moratorium on the use of land and structures for recreational, adult use Marijuana Establishments until December 31, 2021 (or until the Town adopts zoning by-law amendments regulating marijuana establishments, whichever is earlier). The proposed moratorium provides in relevant part as follows (bold emphasis in the original):

25.1 Authority and Purpose

By vote of the May 8, 2019 Annual Town Meeting, the Town first adopted zoning regulation of recreational (non-medical) Marijuana Establishments, as that term is defined in G.L. c. 94G, § 1. Immediately thereafter, concerned citizens requested amendments to the newly adopted regulation to limit the number and location of recreational Marijuana Establishments in the Town. Responding to the concerns, the Board of Selectmen brought forward an amendment to the General Bylaws at the July 31, 2019 Special Town Meeting proposing to limit the number of recreational (Adult Use) Marijuana Establishments. The Planning Board requested time to study the proposal, and Town Meeting voted to pass over the article. The Planning Board then began deliberation on amendments to the recently enacted zoning regulation, and heard new concerns from citizens regarding setbacks, size, and the type of facilities allowed. The recent and ongoing Covid-19 public health emergency interrupted the Planning Board's consideration of these amendments, and the uncertain duration of that emergency, coupled with the public health concerns arising therefrom, made it difficult for the Planning Board to obtain necessary public comment and conclude its work on the proposed amendments. The Town has received no application to date to issue the required zoning approval for a recreational Marijuana Establishment in the Town. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and recent developments have clarified that the Town needs additional time to study and address these issues. Imposition of a temporary moratorium on recreational Marijuana Establishments will allow sufficient time for the Town to complete the planning process and adopt zoning regulation consistent with Town needs and planning goals.

25.2 Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for recreational, adult use Marijuana Establishments, as that term is defined in G.L. c. 94G, § 1 and 935 CMR 500.002. The moratorium shall be in effect through **December 31, 2021**, or until such time as the Town adopts amendments to the Zoning Bylaw regulating such Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to study, review, analyze and address what revisions to the Zoning Bylaw are needed or desirable to allow for and regulate such use consistent with the Town's needs and planning goals.

II. Attorney General's Standard of Review of Zoning By-laws

Pursuant to G.L. c. 40, § 32, the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of

municipal by-laws.” Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). “The legislative intent to preclude local action must be clear.” Id. at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).

Article 21, as an amendment to the Town’s zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) (“With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders.”). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General’s standard of review is equivalent to that of a court. “[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town’s police power and a legislative act, the vote carries a “strong presumption of validity.” Id. at 51. “Zoning has always been treated as a local matter and much weight must be accorded to the judgment of the local legislative body, since it is familiar with local conditions.” Concord v. Attorney General, 336 Mass. 17, 25 (1957) (quoting Burnham v. Board of Appeals of Gloucester, 333 Mass. 114, 117 (1955)). “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Durand, 440 Mass. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). In general, a municipality “is given broad authority to establish zoning districts regulating the use and improvement of the land within its borders.” Andrews v. Amherst, 68 Mass. App. Ct. 365, 367-368 (2007). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

III. Analysis of Article 21’s Temporary Moratorium

In general, a Town has the authority to “impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies.” Sturges v. Chilmark, 380 Mass. 246, 252-253 (1980). Towns must show that a zoning by-law creating a moratorium “has some reasonable prospect of a tangible benefit to the community” and that there was a “reasonable basis” for the zoning by-law. Sturges, 380 Mass. at 257. The Supreme Judicial Court’s holding in Zuckerman v. Hadley, 442 Mass. 511, 520-521 (2004) provides a useful guardrail for towns considering the adoption of moratoriums: “Except when used to give

communities breathing room for periods reasonably necessary for the purposes of growth planning generally, or resource problem solving specifically, as determined by the specific circumstances of each case, such [moratorium] zoning ordinances do not serve a permissible public purpose, and are therefore unconstitutional."

At the November 2016 biennial statewide election, voters approved Question 4 ("Legalization, Regulation and Taxation of Marijuana"). The new law permitted, among other things, the operation of a variety of types of marijuana establishments within municipalities and included provisions under which cities and towns could regulate those establishments. On March 9, 2018, the final version of the Cannabis Control Commission (CCC) regulations on the Adult Use of Marijuana (935 CMR 500.00) were filed with the Secretary of State.

Following the passage of Question 4, many municipalities adopted temporary moratoriums pertaining to recreational marijuana establishments while they studied and planned for this new use. Although this Office approved many of these temporary moratoriums, we stated on numerous occasions that, absent some unique circumstance, we believe that it was reasonable to expect a town to complete its planning process for the new use of recreational marijuana establishments by December 31, 2018, six months after publication of the final regulations by the CCC.³ Beyond that time period a moratorium on recreational marijuana establishments could be viewed as unconstitutional because it is not tied to current legitimate planning needs. See Zuckerman, 442 Mass. at 520-521.

In the circumstances presented here, we cannot conclude that the proposed moratorium has a discernable legitimate zoning purpose.

At the May 8, 2019 Annual Town Meeting, two and one half years after the law's adoption and one year after the publication of the initial CCC regulations, the Town adopted a comprehensive zoning by-law to regulate marijuana establishments.⁴ Despite this, the Town now seeks an eighteen-month moratorium of its zoning by-law while it engages in a further planning process to address what, if any, "revisions to the zoning Bylaw are needed or desirable to allow for and regulate...marijuana use consistent with the Town's needs and planning goals." Section 25.2, "Temporary Moratorium."

We acknowledge that the Town has the authority to "impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide

³ See decisions issued on December 3, 2018 to the Town of Rochester (Case # 9007) and the Town of Plympton (Case # 9019) disapproving an extension of the Town's marijuana moratorium past December 31, 2018.

⁴ Specifically, under Article 29 at the May 8, 2019 Annual Town Meeting, the Town deleted its existing zoning by-law, Section 21, "Registered Marijuana Dispensaries (RMD) and Off-Site Medical Marijuana Dispensaries (OMMD)" and added a new Section 21, "Registered Marijuana Dispensaries (RMD), Off-Site Medical Marijuana Dispensaries (OMMD) and Recreational Marijuana Establishments (RME)." The new Section 21 allows RMEs by right with site plan approval in the C1 District on lots having frontage and access along Route 2A/State Road and within 400 feet set back from the front lot line. RMEs are prohibited in the RA District and the REC district. The Town adopted Article 29 by unanimous vote. This Office approved Article 29 in a decision issued on July 1, 2019 in Case # 9437.

controlled development while the municipality engages in comprehensive planning studies.” Sturges, 380 Mass. at 252-253. Such a temporary moratorium is within the Town’s zoning power when the stated intent is to manage a new use and there is a stated need for “study, reflection and decision on a subject matter of [some] complexity...” W.R. Grace, 56 Mass. App. Ct. at 569 (City’s temporary moratorium on building permits in two districts was within city’s authority to zone for public purposes).

In evaluating the Town’s proposed eighteen month moratorium, we are mindful that no Massachusetts appellate court has defined what number of months or years qualifies as a “reasonable time limitation[] on development...” (Sturges, 380 Mass. at 252-253), and this determination will depend upon the facts of each case. We also recognize that every town’s planning needs are different. Here, the Town asserts that the moratorium is needed because of concerns raised by citizens and because “[t]he regulation of marijuana raises novel, legal, planning and public safety issues...” Section 25.1. We agree that during the time frame 2016–2018, following passage of Question 4 and the CCC regulations, the adoption of zoning by-laws regulating marijuana establishments presented novel and new planning issues for Towns.

However, now that three years has passed after the CCC issued its initial regulations,⁵ and given that the Town has already adopted a comprehensive marijuana zoning by-law, we cannot conclude that the regulation of adult use marijuana establishments raises a new or novel planning issue sufficient to justify an eighteen-month moratorium. See Zuckerman, 442 Mass. at 520-521 (“Except when used to give communities breathing room for periods reasonably necessary for the purposes of growth planning generally, or resource problem solving specifically, as determined by the specific circumstances of each case, such [rate of development] zoning ordinances do not serve a permissible public purpose, and are therefore unconstitutional.”) (citing Sturges, 380 Mass. at 257). For this reason, we must disapprove and delete the new Section 25 (adopted under Article 21) in its entirety.

IV. Conclusion

In the circumstances presented here, we are unable to conclude that the proposed moratorium through December 31, 2021 (or until the town adopts zoning amendments, whichever occurs earlier) has a discernable legitimate zoning purpose or that the Town has shown that there is a “reasonable basis” for the zoning by-law. Sturges, 380 Mass. at 257. Thus, we disapprove and delete the proposed moratorium adopted under Article 21.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

⁵ The CCC has twice updated its regulations, 935 CMR 500.000, “Adult Use of Marijuana.” The first update was effective on November 1, 2019; and the second update was effective January 8, 2021.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Thomas W. McEnaney

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____:
Second by Councilor _____:

The City Council,

Moved that it be ordered,

THAT THE GREENFIELD CITY COUNCIL, PURSUANT TO CHARTER SECTION 2-10,
AFFIRMS THE FOLLOWING APPOINTMENTS BY THE MAYOR:

Community Preservation Committee - David Chichester, Term to Expire June 30, 2025 (Planning Board Designee)

Planning & Construction Committee - Mike Pratt, Term to Expire June 30, 2025

Planning Board - David Chichester, Term to Expire June 30, 2023 (moving from alternate to full member, finishing out Mark Maloni's term)

Sustainable Greenfield Implementation Committee - Greta Shwachman, Term to Expire June 30, 2024 (short term to maintain staggered appointments)

Majority Vote Required.

VOTE:

Explanation of supporting rationale: Charter Section 2-10 does not call for a formal vote to affirm the appointees but does say that "at least nine (9) members shall be necessary to reject an appointment proposed by the Mayor"



City of
GREENFIELD, MASSACHUSETTS
OFFICE OF THE MAYOR

MEMO

TO: Sheila Gilmour, City Council President
Dan Guin, City Council Vice President
FROM: Mayor Roxann Wedegartner
DATE: June 24, 2022
RE: July Appointments to City Boards and Commissions -

I submit the following names for appointments and reappointments to these City Boards and Commissions:

Appointments:

- David Chichester; Community Preservation Committee, Planning Board Designee; June 30, 2025
- Mike Pratt; Planning & Construction; June 30, 2025
- David Chichester; Planning Board; June 30, 2023 (moving from alternate to full member, finishing out Mark Maloni's term)
- Greta Shwachman; Sustainable Greenfield Implementation Committee; June 30, 2024 (short term to maintain staggered appointments)

A handwritten signature in blue ink that reads "roxann wedegartner".

Mayor Roxann Wedegartner



Mayor of Greenfield <mayor@greenfield-ma.gov>

Appointment to Community Preservation Committee

1 message

davechi@comcast.net <davechi@comcast.net>

Thu, Jun 9, 2022 at 6:42 PM

To: Mayor@greenfield-ma.gov

Cc: caitlin.vonschmidt@greenfield-ma.ov, Eric Twarog <eric.twarog@greenfield-ma.gov>, Charles Roberts <cwr4@comcast.net>

Mayor,

Charles Roberts, Chair of the Greenfield Planning Board, has recommended me to represent the Planning Board on the Community Preservation Committee. I would be delighted to join that august group and ask that you appoint me as a member.

I have attached an abbreviated resume.

I appreciate your consideration.

David Chichester

(413) 475-3169



Chichester curriculum vitae.docx

22K

DAVID CHICHESTER

72 Silver Crest Lane
Greenfield, MA 01301

413 475-3169
davechi@comcast.net

EDUCATION

1960 – Graduated B.A. from Trinity College, Hartford, CT

BUSINESS EXPERIENCE

1960 – 1980: Connecticut General Life Insurance Company: Final position, Director of Dental Insurance

1980 – 1981: Allstate Insurance Company: Final position, Director of Group Insurance Claims

1981 – 1994: Phoenix Mutual Life Insurance Company: Retired as Vice-President

1984 – 1996: Applied Professional Systems: Owner and President, CEO

VOLUNTEER EXPERIENCE (DATES ARE APPROXIMATE)

1982 – 2012: Involved with various local organizations including NELCWIT, Pioneer Valley Symphony, Arena Civic Theater, Franklin County Restorative Justice Program, and Mohawk Area Public Health Coalition

1982 – 1988: Chair of Finance Committee, Chair of Audit Committee, member Ethics Committee, and member Board of Directors, Franklin Medical Center, Greenfield, MA

1996 – 2000: Founder and member Board of Directors, Foundation for Community Justice, Greenfield, MA

1996 – 2017: Chair of Board of Health (14 years), Health Inspector (12 years), Member Planning Board (5 years), Emergency Management Director (3 years), Town of Conway, MA

2004 – 2020: Volunteer, Emergency Department, Baystate Franklin Medical Center, Greenfield, MA

2019 – Present: Trustee, Silver Crest Condominium Association, Greenfield, MA

2022 – Present: Appointed to Greenfield Planning Board as an Alternate

RECOGNITION

2018 Selected as Greenfield Recorder's Citizen of the Year, including Certificate of Special Congressional Recognition, citations from Mass House of Representatives, Greenfield and Conway, MA



Mayor of Greenfield <mayor@greenfield-ma.gov>

Sustainable Greenfield Implementation Committee

1 message

Greta Shwachman <greshw1@gpsk12.org>

Wed, Jun 1, 2022 at 3:54 PM

To: Mayor@greenfield-ma.gov

Cc: Carole Collins <carole.collins@greenfield-ma.gov>

Good afternoon,

I'm writing to express my interest in serving on the Sustainable Greenfield Implementation Committee. I have worked in Greenfield as the GPS Food Service Director since December 2021. While I am new to this position, I bring a background in Farm to School, and am looking forward to furthering sustainability initiatives within the school district and the city. I believe this Committee will be a wonderful opportunity for me to meet new stakeholders and establish connections between GPS and the broader Greenfield community.

Thank you for your consideration. Please find my resume attached.

Sincerely,

Greta Shwachman

--

Greta Shwachman (she/her)

Food Service Director

Greenfield Public Schools

195 Federal St. Suite 100, Greenfield, MA 01301

Office: 413-772-1335 | Cell: 413-834-9171

Follow us @GreenfieldSchoolFood!



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Shwachman Resume.pdf

39K

Greta Shwachman

413-834-9171 | greshw1@gpsk12.org | 15 Prospect St, Easthampton, MA 01027

SUMMARY

I have worked in School Nutrition since 2015, championing "real school food" featuring local ingredients. I'm passionate about using social media and the power of community to promote school food and create strong partnerships.

CAREER

2021 - PRESENT

FOOD SERVICE DIRECTOR

Greenfield Public Schools

- Oversee the GPS Food Service Department, consisting of approx 25 staff members across 6 schools, serving 1200 meals daily
- Manage dept finances, grants, federal & state requirements
- Write appealing and nutritious menus
- Administer breakfast, lunch, snack, and summer programs
- Communicate with families and collaborate with community organizations

2017 - 2021

FARM TO SCHOOL PROGRAM COORDINATOR

Chicopee Public Schools

- Interfaced with local farmers, producers, and distributors to procure local food
- Planned and executed events for students, staff, & families
- Wrote grants to support department goals
- Conducted outreach, communication, and marketing to increase participation

2015 - 2017

SERVICE MEMBER

FoodCorps, Chicopee Public Schools

- Developed and grew the "ChicopeeFRESH" brand
- Forged community partnerships
- Led hands-on gardening, cooking, and nutrition lessons

EDUCATION

2011 - 2015

RICE UNIVERSITY

Houston, TX

- B.A. in Kinesiology (Health Sciences)
- Graduated Magna Cum Laude
- 4.04 GPA
- Member Phi Beta Kappa
- Studied abroad in Denmark and Chile

COMMUNITY POSITIONS

- Committee Member, Chicopee Community Garden (since 2018)
- Member, Chicopee Center Food Force (since 2020-2021)

SKILLS

- Partnership & relationship building
- Strategic planning & goal setting
- Procurement & logistics
- Technological proficiency
- Event planning
- Fundraising & grant writing
- Budget creation and management
- Communication & public speaking
- Spanish language proficiency
- Marketing, graphic design, social media



June 27, 2022

To: Roxann Wedegartner, Mayor
City of Greenfield
City Hall, 14 Court Square
Greenfield, MA 01301

Re: Position on the Planning and Construction Committee

Mayor Wedegartner,

My name is Michael Pratt and I live at 69 Meadowood Dr., Greenfield. For the past 17 years I've been a broker associate in real estate sales for land, residential and commercial properties. I currently work for Coldwell Banker Community Realtors out of the Shelburne Falls and Greenfield offices.

I am interested in becoming a member of the planning and construction committee. My experience with buildings and land development will be something I can offer, as well as a feeling of giving back to my city.

Thanks for your consideration.

Best,

Mike

383 College Street
Amherst, MA 01002
(413) 461-3650

112 Main Street
Northampton, MA 01060
(413) 586-8355

7 Bridge Street
Shelburne Falls, MA 01370
(413) 625-6366

4 Elm Street
South Deerfield, MA 01373
(413) 665-3771

Each Office Is Independently Owned And Operated

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____:

Second by Councilor _____:

The City Council,
Moved that it be ordered,

THAT THE GREENFIELD CITY COUNCIL, AS REQUIRED BY THE RECENTLY PASSED VOTES ACT, SECTION 72, ASSIGN A SUFFICIENT NUMBER OF POLICE OFFICERS (UP TO TWO) TO OUR POLLING LOCATION, GREENFIELD HIGH SCHOOL GYMNASIUM, FOR ALL ELECTIONS AND PRIMARIES HELD IN THE CALENDAR YEAR 2022 AND AUTHORIZE THE CITY CLERK, IN COORDINATION WITH THE POLICE CHIEF OR A POLICE DEPARTMENT DESIGNEE, TO ASSIGN SPECIFIC OFFICERS FOR THIS PURPOSE.

Majority vote required

VOTE:

Explanation of supporting rationale:

Copy of Bill 2924 Chapter 92 Acts of 2022 with signatures

Chapter 92
of the Acts of 2022

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Ninety-Second General Court

AN ACT FOSTERING VOTER OPPORTUNITIES, TRUST, EQUITY AND SECURITY.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith voter opportunities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1F of chapter 51 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the words "eight o'clock post meridian of the twentieth" and inserting in place thereof the following words:- 5:00 p.m. of the tenth.

SECTION 2. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out, in lines 10 and 11, the words "eight o'clock in the evening" and inserting in place thereof, in each instance, the following words:- 5:00 p.m.

SECTION 3. Said section 26 of said chapter 51, as so appearing, is hereby further amended by striking out, in line 10, the word "twentieth" and inserting in place thereof the following word:- tenth.

SECTION 4. Said chapter 51 is hereby further amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. Registrars shall hold a continuous session from 9:00 a.m. until 5:00 p.m. on the last day for registration established under section 26; provided, however, that a town having less than 1,500 voters may hold a session from 9:00 a.m. until 11:00 a.m. and from 3:00 p.m. until 5:00 p.m.

SECTION 5. Section 33A of said chapter 51, as so appearing, is hereby amended by adding the following sentence:-The state secretary shall make the online portal accessible in English, Spanish, Portuguese, Chinese and such additional languages as the state secretary deems necessary or required by law.

SECTION 6. Section 42G% of said chapter 51, as so appearing, is hereby amended by inserting after the word "vote", in line 57, the following words:- pursuant to subsection (d) of section 65.

SECTION 7. Said section 42G% of said chapter 51, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) In accordance with the memorandum of understanding required by subsection (b), each eligible applicant for services at an automatic voter registration agency who meets the qualifications to register to vote and does not decline to register to vote under subsection (d) of section 65 shall be registered as a voter under said section 65 as of the date the registrars add the person's name and address to the register of voters, pursuant to paragraph (4) of said subsection (d) of said section 65; provided, however, that an applicant who meets the qualifications to register to vote, does not decline to register to vote under said subsection (d) of said section 65 and completes a qualifying transaction with an automatic voter registration agency not less than 10 days before an election shall be entitled to vote in that election. If necessary to comply with federal law, the division of medical assistance and the commonwealth health insurance connector authority may allow an applicant to decline to register to vote at the time of application. Otherwise, all automatic voter registration agencies, including the registry of motor vehicles, shall transmit records of all eligible applicants as provided in subsection (c) and these applicants may decline to register to vote only after receiving notice from the registrars under paragraph (3) of said subsection (d) of said section 65.

SECTION 8. Section 47C of said chapter 51, as so appearing, is hereby amended by adding the following paragraph:-

To the extent feasible, the state secretary shall make the statewide list of registered voters contained in the central registry of voters established in this section available to the local election officers at each polling location.

SECTION 9. Chapter 54 of the General Laws is hereby amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. For any primary or election, if the city or town clerk determines in writing that there is a deficiency in the number of required election officers within the 6 weeks preceding the primary or election, the appointing authority may appoint election officers without regard to

political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to sections 11B and 12. If the position of warden, clerk or inspector, or deputy of any such officer, if any, is vacant within the 3 weeks preceding any primary or election, the city or town clerk may fill the vacancy by appointing a competent person willing to serve, without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12.

SECTION 10. Said chapter 54 is hereby further amended by striking out section 25B, as so appearing, and inserting in place thereof the following 2 sections:-

Section 25B. (a)(1) The election officers and registrars of every city or town shall allow any registered voter qualified under section 1 of chapter 51 to vote early by mail for any municipal preliminary or election or presidential or state primary or election, including any such special preliminary, primary or election, or any primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; provided, however, that the select board, board of selectmen, town council or city council of each city and town may, after a public hearing and by recorded and public vote not less than 45 days prior to the date of the preliminary or election, opt out of the provisions of this subsection for any regular or special municipal preliminary or municipal election; provided further, that any registered voter qualified under section 1 of chapter 51 shall be allowed to vote early by mail for any municipal preliminary or municipal election held on the same day as any presidential or state primary or election or any primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; and provided further, that this subsection shall not apply to an annual or special town meeting.

(2) Any registered voter wanting to vote early by mail may file with the voter's local election official an application for an early voting ballot for a preliminary, primary or election or for all preliminaries, primaries and elections authorized pursuant to this subsection during the calendar year. Any form of written communication evidencing a desire to have an early voting ballot sent for use for voting at a preliminary, primary or election shall be given the same effect as an application made in the form prescribed by the state secretary. Applications shall be acceptable if they are signed or submitted electronically; provided, however, that any electronic signature

shall be written in substantially the same manner as a handwritten signature. No application shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars of voters before 5 p.m. on the fifth business day preceding the preliminary, primary or election.

(3) A family member of a person qualified to vote early by mail may apply in the manner described under paragraph (2) on behalf of such person. Such applicant shall state the applicant's relationship to the early voter, shall sign the application under the pains and penalties of perjury and shall transmit the application to the clerk of the city or town where the early voter is registered.

(4) A voter wishing to apply to vote early by mail in any presidential or state primary or election or any primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress and who needs accommodation by reason of disability and is unable to independently mark a paper ballot may apply for such accommodations in a form and manner prescribed by the state secretary. Accommodations shall include, but not be limited to: (i) clear and accessible electronic instructions for completion, printing and returning of the ballot; (ii) an accessible blank electronic application that can be: (A) completed by the voter electronically; (B) signed with a wet signature, a hand drawn electronic signature or the voter's typewritten name as a signature if the voter is unable to independently insert a hand-drawn signature on the application due to a disability; and (C) submitted electronically, by mail or by delivering it, in person or by a family member, to the office of the appropriate city or town clerk; (iii) an authorized accessible blank electronic ballot that can be filled out electronically, printed and signed; provided, however, that the accessible electronic ballot marking system the voter utilizes to access their blank electronic ballot shall not collect or store any personally identifying information obtained in the process of filling out the ballot; (iv) an accessible electronic affidavit that may be used for certification of an accessible electronic ballot and signed with a wet signature, a hand-drawn electronic signature or the voter's typewritten name as a signature if the voter is unable to independently insert a hand-drawn signature on the ballot due to a disability; (v) an envelope to return the ballot to the voter's town or city clerk with postage guaranteed; and (vi) hole punched markers in place of a wet signature required for certification if an electronic affidavit of certification is not utilized. A voter with accommodations in receipt of a ballot pursuant to this section may complete and return the ballot by: (i)

submitting it electronically; (ii) delivering it, in person or by a family member, to the office of the appropriate city or town clerk or a secured municipal drop box for the city or town where the voter is registered; or (iii) mailing it to the appropriate city or town clerk; provided, however, that the state secretary shall provide an envelope to allow for returning the ballot pursuant to clause (ii) or (iii).

(5) A voter wishing to apply to vote early by mail in a municipal preliminary or election authorized pursuant to this subsection and who needs accommodation by reason of disability and is unable to independently mark a paper ballot may request an accommodation from their local election official. The request shall be received by the local election official not later than the seventh business day preceding the preliminary or election. Upon receiving such a request from a registered voter by phone or electronically, the local election official shall grant reasonable accommodations to the voter.

(6) The state secretary shall establish, implement and maintain an internet portal on the secretary's website to allow a voter to request an early voting ballot for preliminaries, primaries and elections authorized pursuant to this subsection or an absent voting ballot for primaries and elections authorized pursuant to section 86. The voter shall be able to request that the ballot be mailed to the voter's home address, or a different mailing address as designated by the voter, or provided electronically if the voter is approved to utilize an accessible electronic ballot as an accommodation under paragraph (4). Any request under this paragraph shall not require the voter's wet signature.

(7) (i) Not later than 45 days before any presidential or regular state primary or biennial state election or a primary held pursuant to section 140 to fill a vacancy for senator in congress, the state secretary shall mail to all registered voters who are registered to vote not less than 60 days before such primary or election, at their residential addresses or mailing addresses if different from their residential address listed in the central registry, an application for an early voting ballot for the applicable primary or election and any city or town election held on the same day as such primary or election. The application shall also allow a voter to request an early voting ballot for: (A) the remaining state primary or election in the calendar year; or (B) if applicable, the election held pursuant to section 140 to fill a vacancy for senator in congress. The state secretary need not mail an application to a voter whose previous application for an absent

voting ballot or early voting ballot for the applicable primary or election has been accepted.

(ii) Each application mailed pursuant to this paragraph shall: (A) be pre-addressed to the city or town clerk with return postage guaranteed; (B) be provided in any language required by the bilingual election requirements of the federal Voting Rights Act, 52 U.S.C. 10503; (C) be in a form prescribed by the state secretary in accordance with state and federal law; (D) include clear instructions for completing and returning the application; and (E) allow a voter to designate the mailing address to which the ballot shall be sent.

(iii) Each application mailed pursuant to this paragraph to a voter in the city of Boston shall include an option, which shall appear prominently on the application, to request a ballot printed in any language available at the voter's polling location pursuant to chapter 166 of the acts of 2014.

(iv) To minimize mailings and costs, the state secretary may seek to include said applications in any other mailings required by this chapter or otherwise issued to such registered voters at such time; provided, however, that such a mailing shall clearly indicate that applications to vote early by mail are contained therein and that any voter who previously returned an accepted application for an absent voting ballot or early voting ballot in the calendar year need not return an additional application for the applicable primary or election.

(v) The applications required pursuant to this paragraph shall be made available on the website of: (A) the state secretary; and (B) each city and town.

(8) The election officers and registrars of every city or town shall include an application for an early voting ballot with the acknowledgment notice sent to any person registering to vote or changing their voter registration address; provided, however, that the application shall be in the form prescribed by the state secretary pursuant to paragraph (7).

(9) Upon receipt of an early voting application, the election officers shall verify the voter's information and, if confirmed, shall record the voter as "EV" on the voting list. If the election officers find that the person signing the application is not a duly registered voter or the family member of a voter, they shall send the voter written notice to that effect and shall preserve the application during the time fixed by law for the preservation of ballots cast in the coming election, after which time the application shall be destroyed.

(10) Early voting ballots authorized pursuant to this section shall be mailed by the appropriate local election officials as soon as such materials are available. The mailing of an early voting ballot shall include: (i) instructions for early voting; (ii) instructions for completing the ballot; (iii) an inner envelope where the ballot shall be placed after voting that contains an affidavit of compliance to be filled out by the voter and notice of the penalties under section 26 of chapter 56; and (iv) an outer envelope that is pre-addressed to the local election official with postage guaranteed. To the extent feasible, the state secretary shall include on the outer envelope a system that generates a postmark for determining the date upon which the envelope was mailed.

(11) Early voting ballots authorized pursuant to this section shall be provided to the voter in the language required pursuant to clauses (ii) and (iii) of paragraph (7).

(12) The provisions of section 81 relative to spoiled ballots shall apply to early voting ballots under this section; provided, however, that a request for a substitute ballot from a voter who has received a ballot by mail shall not be valid unless it is accompanied by the spoiled ballot and received in the office of the city or town clerk or the registrars before 5 p.m. on the fifth day preceding the election for which such substitute voting ballot is requested.

(13) An early voting ballot received by mail may be returned by the voter or a family member by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) delivering it to an early voting location for the appropriate city or town during the early voting in-person hours; (iii) dropping it in a secured municipal drop box for the city or town where the voter is registered; or (iv) mailing it to the appropriate city or town clerk.

All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk, returned to a secured municipal drop box for the city or town where the voter is registered or returned electronically pursuant to the accommodations granted to a voter by reason of disability under paragraph (4) shall be received by the city or town clerk before the hour fixed for closing the polls on the day of a preliminary, primary or election; provided, however, that an early voting ballot mailed on or before the day of a biennial state election shall be accepted until 5 p.m. on the third day after the election and shall be processed in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

(14) Upon receipt of a completed early voting ballot, the local election official shall open the outer mailing envelope and examine the inner secrecy envelope without opening it, compare the signature thereon with the signature on the application therefor, except if a family member signed the application or the voter received assistance in signing the application or the envelope, and examine the affidavit on each such envelope. If the affidavit has been improperly executed or does not sufficiently indicate that the ballot was marked and mailed or delivered as required by this section, the local election official shall mark across the face thereof "Rejected as defective" and shall notify the voter and send the voter a new ballot. If the early voting ballot is accepted, the local election official shall record the date and secure the ballot in its envelope until processing in accordance with law.

(b) (1) The local election officers and registrars of every city or town shall allow any registered voter qualified under section 1 of chapter 51 to vote early in person for any: (i) presidential or state primary or biennial state election or primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; and (ii) city or town election held on the same day as a primary or election enumerated in clause (1). Any voter wishing to vote early in person in such primaries or elections may do so at the time, manner and location prescribed in this section.

(2) Early voting in person shall be conducted:

(i) from the seventeenth day through the fourth day, inclusive, preceding a biennial state election and any city or town election held on the same day as a biennial state election; and

(ii) from the tenth day through the fourth day, inclusive, preceding any: (A) presidential or state primary or primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress; and (B) city or town election held on the same day as a primary or election enumerated in subclause (A).

(3) Early voting in person shall be conducted on weekend dates during the early voting period as follows: (i) for municipalities with less than 5,000 registered voters, for not less than 4 hours each weekend, with at least 1 day per weekend, for not less than 2 hours on a weekend day in which voting is conducted; (ii) for municipalities with not less than 5,000 registered voters but less than 25,000 registered voters, for not less than 6 hours each weekend, with at least 1 day per weekend, for not less than 3 hours on a weekend day in which voting is conducted; (iii) for municipalities

with not less than 25,000 registered voters but less than 40,000 registered voters, for not less than 4 hours each weekend day; (iv) for municipalities with not less than 40,000 registered voters but less than 75,000 registered voters, for not less than 6 hours each weekend day; and (v) for municipalities with not less than 75,000 registered voters, for not less than 8 hours each weekend day. For each other day during the early voting period, early voting in-person shall be conducted as follows: (i) for municipalities with less than 5,000 registered voters the city council of a city or board of selectmen or select board of a town may, at a public meeting held not less than 20 days before the first day of the early voting period, vote to provide early voting hours of not less than 25 per cent of the usual business hours of the town clerk; (ii) for municipalities with more than 5,000 registered voters but less than 40,000 registered voters: (A) for the fifteenth day to the eleventh day, inclusive, preceding a biennial state election, the city council of a city or board of selectmen or select board of a town may, at a public meeting held not less than 20 days before the first day of the early voting period, vote to provide early voting hours of not less than 50 per cent of the usual business hours of the city or town clerk; and (B) for the eighth day to the fourth day, inclusive, during the usual business hours of each city or town clerk; and (iii) for municipalities with more than 40,000 registered voters, during the usual business hours of the city or town clerk. A city or town may, in its discretion, provide for additional early voting hours beyond the hours required by this paragraph.

(4) Each city and town shall establish an early voting site that shall include the local election office for the city or town; provided, however, that if the city or town determines that the office is unavailable or unsuitable for early voting, the registrars of each city or town shall identify and provide for an alternative public building that is centrally-located, suitable and convenient within the city or town as an early voting site; and provided further, that when designating early voting sites, a city or town shall consider, to the extent feasible, diverse geographic locations and whether such sites would have an impact on access to the polls on the basis of race, national origin, disability, income or age. A city or town may also provide for additional early voting sites at the discretion of the registrars for that city or town. Each early voting site shall be accessible to persons with disabilities in accordance with state and federal law.

(5) The designation of an early voting site shall be made not less than 14 days prior to the beginning of the early voting period established in this

section. Not less than 5 business days prior to the beginning of the early voting period and at least once during the early voting period, the registrars for each city and town shall publish notice of the location of the early voting sites as well as the applicable dates and hours. Such notice shall be conspicuously posted: (i) in the office of the city or town clerk and on the principal official bulletin board of each city or town; (ii) on any other public building considered necessary; (iii) on the city or town's website; and (iv) on the website of the state secretary.

(6) Prior to the beginning of in-person early voting, the local election officials for each city and town shall prepare a list for the early voting sites, containing the names and residences of all persons qualified to vote at each voting site as the names and residences appear upon the annual register, and shall reasonably transmit the applicable list to the local election officers at each early voting site designated by the registrars.

(7) A voter seeking to vote in person at an early voting site shall provide their name and address to the local election officer who shall, upon finding the voter's name and address upon the list, repeat it loudly and clearly, mark the list and provide the voter with an early voting ballot and an envelope containing an affidavit, which shall include a notice of penalties under section 26 of chapter 56. The registrar or presiding election officer at the early voting site shall cause to be placed on the voting list opposite the name of a qualified voter who participates in early voting, the letters "EV" designating an early voter.

(8) Upon marking their early voting ballot, enclosing it in the secrecy envelope and executing the affidavit, the voter shall return the ballot envelope to a local election officer at the early voting site who shall review the envelope to ensure the affidavit has been signed by the voter. After a ballot envelope has been accepted, it shall be securely stored at the early voting site until such time as it is transported to the office of the local election official, but not later than the close of early voting for that day.

(c)(1) The select board, board of selectmen, town council or city council of each city and town may vote to authorize early in-person voting for any other city or town preliminary or election not included in subsection (b). Such vote may only be taken after a request from not less than 50 percent of the registrars of the city or town recommending in-person early voting; provided, however, that such vote shall occur not less than 5 business days prior to the proposed beginning of early voting.

(2) As part of the vote to allow early in-person voting under this subsection, a city or town shall set the early voting period to begin not sooner than 17 days before the preliminary or election and end not later than 2 business days preceding the preliminary or election.

(3) Early voting under this subsection shall be conducted during the usual business hours of the city or town clerk unless different hours are set as part of the vote to allow early in-person voting, including any weekend hours.

(4) The city or town clerk shall establish an early voting site for early in-person voting under this subsection that is centrally-located, suitable and in a convenient public building. Notice of the early voting location, dates and hours shall be posted not less than 48 weekday hours before the early voting period begins.

(5) A voter voting early in person under this subsection shall be provided with a ballot and an envelope where the ballot is placed after voting that contains an affidavit of compliance to be filled out by the voter. A voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting, as applicable, which shall include a notice of penalties under section 26 of chapter 56.

(d) The registrars shall prepare lists of all voters casting ballots during the early voting period pursuant to this section and update the voter list in a manner prescribed by the state secretary. Once an early voting ballot is cast, the voter shall not vote again.

(e) The early voting ballot of any voter who was eligible to vote at the time the ballot was cast shall not be invalid solely because the voter became ineligible to vote by reason of death after casting the ballot. For purposes of this subsection, the term "cast" shall mean that the voter has: (i) deposited the early voting ballot in the mail for ballots mailed; (ii) returned the early voting ballot to the appropriate local election official either by hand or by depositing it in a secured municipal drop box, where available, for the city or town where the voter is registered; (iii) completed voting in person at an early voting location; or (iv) submitted a ballot electronically pursuant to the accommodations granted to a voter by reason of disability under paragraph (4) of subsection (a).

(f) Sections 37 and 38 of chapter 53 shall apply to unenrolled voters and voters enrolled in political designations voting early in primaries. The registrar or presiding election official at the early voting site shall cause

the name of the party of the ballot being voted to be recorded on the voting list. Once the party selection has been recorded on the voting list, a voter shall not request or vote on the ballot of another party.

(g) Not less than 30 days prior to each presidential primary, state primary, state election, and primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress, the state secretary shall deliver to each city and town, in quantities as the state secretary determines necessary, the following papers: (i) official early voting ballots similar to the official ballot to be used at the election; provided, however, that a sufficient quantity of such ballots are printed in the languages necessary to accommodate the selection of a bilingual ballot by voters pursuant to clauses (ii) and (iii) of paragraph (7) of subsection (a); (ii) envelopes of sufficient size to contain the ballots specified in clause (i) bearing on their reverse the voter's affidavit; (iii) return envelopes, pre-addressed to the local election official with postage guaranteed, for any ballot requested for voting by mail; and (iv) instructions for voting by mail to be sent to each voter who requests to cast a ballot by mail. The voting period for early voting by mail shall begin as soon as all necessary early voting materials have been received by the local election official pursuant to this subsection.

(h) Any early voting ballot cast pursuant to this section may be opened and deposited into a tabulator in advance of the date of the preliminary, primary or election in accordance with regulations promulgated by the state secretary; provided, however, that municipalities that do not have a tabulator may open and deposit early voting ballots into a ballot box; provided further, that such ballots shall be kept secured, locked and unexamined and that no results shall be determined or announced until after the time polls close on the date of the preliminary, primary or election; and provided further, that notice of the date, time and location of any such opening or depositing shall be posted not less than 2 business days in advance of the opening or depositing; and provided further, that the opening or depositing shall be open to the public. Disclosing any such result before such time shall be punished as a violation of section 14 of chapter 56.

All envelopes referred to in this section shall be retained with the ballots cast at the preliminary, primary or election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(i) The state secretary shall promulgate regulations to implement this section including, but not limited to, a process for establishing additional early voting sites and a process for applying for, receiving, separating, compiling, recording and securing early ballots and advance depositing.

(j) Section 72 shall not apply to this section; provided, however, that a city or town, at the discretion of its election officers and registrars, may detail a sufficient number of police officers or constables for each early voting site at the expense of the city or town to preserve order, protect local election officers and supervisors from any interference with their duties and aid in enforcing the laws relating to elections.

(k) Not later than 45 days after each presidential primary, regular state primary, biennial state election and primary or election held pursuant to section 140 to fill a vacancy for senator or representative in congress, the state secretary shall submit a report to the house and senate committees on ways and means and the joint committee on election laws on the costs to implement subsection (a) of this section. The report shall include, but not be limited to: (i) the number of ballot applications with postage guaranteed mailed to voters; (ii) where available, the number of ballot applications with postage guaranteed returned requesting a ballot; (iii) the total number of ballots cast by mail; (iv) total cost and amounts paid for using federal funds; and (v) where available, the number of ballot applications that were returned as undeliverable and a description of the reasons why each application was returned, including, but not limited to, a change of address or the intended recipient being deceased.

Section 25C. (a) For the purposes of this section, the following words shall have the following meanings:

"Applicable statewide election", a presidential or regular state primary or biennial state election or a primary or election held pursuant to section 140 to fill a vacancy for senator in congress.

"Facility", a correctional facility, house of correction, jail or department of youth services.

(b) The officer in charge of a facility shall develop and publish policies and procedures that govern the facilitation of voting and voter registration for eligible voters in the facility; provided, however, that the policies and procedures shall include, but not be limited to:

(i) the distribution of voter education and election information provided by the state secretary, including, but not limited to: (A) the display of posters in prominent locations visible to individuals who are

incarcerated at the facility; and (B) the dissemination of written notices about voting rights and procedures to all individuals who are incarcerated at the facility and who may be eligible to vote;

(ii) for any preliminary, primary or election, assisting an individual who is incarcerated at the facility and who may be eligible to vote in registering as a voter and in applying for an early voting by mail or absent voting ballot, including as a specially qualified voter; provided, however, that such assistance shall include, but not be limited to: (A) distributing forms prepared by the state secretary for those purposes, including ballot applications or voter registration forms; (B) providing an individual with access to a writing implement sufficient to properly complete the registration and application forms; (C) providing records that may serve as proof of residence for the purpose of voter registration or that provide a voter with their last known address, such as intake forms, arrest records or other forms in the possession of the facility; (D) providing voter information packets generated by the state secretary and, where possible, by nonpartisan community groups, nonpartisan volunteers or other nonpartisan stakeholders; and (E) facilitating the timely return of an application for an eligible voter to be permitted to vote early by mail;

(iii) facilitating the expeditious and timely receipt and return of an early voting by mail or absent voting ballot by an eligible individual who is incarcerated at the facility, including, but not limited to, by: (A) providing access to a writing implement sufficient to properly complete the ballots; (B) establishing locations where voters may complete ballots and other paperwork in private, where feasible; and (C) facilitating the mailing of completed mail ballots as soon as practicable; provided, however, that an employee, contractor, agent, official or representative of the department of correction shall not open or inspect any completed mail ballot unless it is to investigate reasonable suspicion of a prohibited activity;

(iv) providing means of tracking: (A) complaints by an individual who is incarcerated at the facility related to voting or registration; (B) numbers of individuals who are incarcerated who sought to vote; and (C) the outcome of their requests; and

(v) policies for collaboration with local election officials, civic engagement community groups and other stakeholders.

(c) The officer in charge of a facility shall:

(i) not later than 45 days before an applicable statewide election, display or distribute any informational posters or packets provided by the

state secretary pursuant to subsection (d) or, if received after such date, immediately upon receipt; provided, however, that the distribution and announcements of such information shall be continued through the conclusion of such election;

(ii) not later than 14 days before an applicable statewide election, file a written report with the state secretary, in a form prescribed by the state secretary, that details the actions taken under this section; provided, however, that the report shall be a public record; and

(iii) appoint a subordinate officer at the facility to supervise the actions required by this section.

(d) Not later than 90 days before an applicable statewide election, the state secretary shall: (i) create and distribute to sheriffs and superintendents of facilities voter information signs and information for display and distribution in facilities; and (ii) distribute to local election officials information on: (A) the qualifications and rights of eligible incarcerated voters; (B) how to process a voter registration or ballot application from an eligible incarcerated voter; (C) current law pertaining to those rights and processes; and (D) the presumed residence for voting purposes of an eligible incarcerated voter and instances in which an eligible incarcerated voter can maintain the facility in which they are confined as their address for voting purposes.

(e) (1) Prior to the expiration of the term for a person who is incarcerated in a correctional facility, the officer in charge of the facility shall provide, in writing, a document prepared by the state secretary explaining: (i) the voting rights of a person who is incarcerated in a correctional facility upon discharge from a correctional facility; and (ii) instructions for the person to register to vote following discharge from the facility. The officer in charge of the facility shall provide the person with a voter registration form with a postage guaranteed envelope, and assistance, if requested, to complete such form.

(2) The state secretary shall prepare and transmit the document required pursuant to paragraph (1) to the local election officials for each city and town.

(f) (1) For each applicable statewide election, following the close of registration pursuant to section 26 of chapter 51 but not later than the day of the election, the officer in charge of a facility, except for the department of youth services, shall transmit to the state secretary: (i) a list containing information about persons who are newly incarcerated in the

correctional facility due to a felony conviction since the time of last reporting under this section; (ii) a list containing information about persons who were incarcerated in the correctional facility due to a felony conviction but were discharged since the time of last reporting under this section; and (iii) a list containing information about persons in the facility who are detained pre-trial or convicted of a misdemeanor.

(2) The lists required by paragraph (1) shall include, for each person listed: (i) name; (ii) date of birth; (iii) last 4 digits of social security number or driver's license number, if available; (iv) address on-file, including street, city or town and state; and (v) the name and address of the facility where the person is detained.

(g) The state secretary shall submit a report to the joint committee on election laws not later than 6 months following each applicable statewide election, including anonymized, aggregated data on the number of: (i) eligible incarcerated voters at the time of the election in each municipality; and (ii) incarcerated voters who requested an early voting by mail or absent voting ballot and the outcome of that request in each municipality, including the reasons for rejection, if applicable. The state secretary may coordinate with local election officials and officers in charge of facilities to aggregate such data, where available. The submitted report shall be a public record, but other materials generated for the purpose of the state secretary's compilation of the report shall not be public records.

(h) Not later than 30 days before any municipal, state or presidential election, each city or town clerk shall post on the city or town's website and report to the state secretary any measures undertaken to facilitate voting for eligible incarcerated voters.

SECTION 11. Section 65 of said chapter 54, as so appearing, is hereby amended by adding the following paragraph:-

This section shall apply to early voting locations under section 25B while voting is being conducted.

SECTION 12. Said chapter 54 is hereby further amended by striking out section 67, as so appearing, and inserting in place thereof the following section:-

Section 67. One voting list shall be delivered to the ballot clerks and another may be delivered to the officer in charge of the ballot box; provided, however, that the city or town clerk may opt to use only 1 voting list at the check in. When a ballot is delivered to a voter, the voter's name shall be checked on the voting list and, except where the city or town clerk

has opted to not use a check-out list, it shall be checked on the second voting list when the voter deposits the ballot. Where a check-out list is used, the officer in charge of the ballot box and the officer in charge of the voting list shall either: (i) be of different political parties; or (ii) not be of the same political party if the election officers have been appointed pursuant to section 14 without regard to political party membership. No person shall vote if the person's name is not on the voting list, nor until the local election officer shall check the person's name thereon, unless the person presents a certificate from the registrars of the city or town as provided by section 51 or section 59 of chapter 51 or unless the person is voting by provisional ballot under section 76C. A city or town may vote to use electronic poll books rather than paper voting lists in accordance with section 33I.

SECTION 13. Said chapter 54 is hereby further amended by striking out section 72, as so appearing, and inserting in place thereof the following section:-

Section 72. The select board, board of selectmen, town council or city council of each city and town, in consultation with its election officers and registrars, shall detail a sufficient number of police officers or constables for each building that contains the polling place for 1 or more precincts at every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections.

SECTION 14. Said chapter 54 is hereby further amended by striking out section 83, as so appearing, and inserting in place thereof the following section:-

Section 83. In a precinct at which a check-out table is used, a voter, after marking the voter's ballot, shall give the voter's name, and, if requested, residence, to an officer in charge of the ballot box, who shall distinctly announce the voter's name and, if requested, residence. If the name is found on the voting list by the local election officer, the local election officer shall distinctly repeat the name and check it on the voting list. The voter may then deposit the ballot in the ballot box. No ballot without the official endorsement, except as provided in section 61, shall be deposited in the ballot box. A city or town clerk may opt to eliminate the use of a voting list at the check-out table but shall maintain an officer in charge of the ballot box.

SECTION 15. Subsection (d) of section 87 of said chapter 54, as so appearing, is hereby amended by adding the following paragraph:-

To the extent feasible, the state secretary shall include on the envelopes required pursuant to this subsection a system that generates a postmark for determining the date upon which the envelope was mailed.

SECTION 16. Section 89 of said chapter 54, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- No application for an absent voting ballot to be sent by mail shall be deemed to be seasonably filed unless it is received in the office of the city or town clerk or registrars before 5 p.m. on or before the fifth business day preceding the election for which the ballot is being requested.

SECTION 17. Section 91B of said chapter 54, as so appearing, is hereby amended by inserting after the word "prepaid", in line 5, the following words:- and with return postage guaranteed.

SECTION 18. Said chapter 54 is hereby further amended by striking out section 91C, as so appearing, and inserting in place thereof the following section:-

Section 91C. (a) For the purposes of this section, "voter" shall mean an individual voting pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act.

(b) A voter wishing to cast an absentee ballot in any preliminary, primary or election may apply for such ballot in a form and manner prescribed by the state secretary; provided, however, that the secretary shall permit a voter to apply through an electronic application that: (i) includes clear instructions for completing and returning the application; and (ii) can be: (A) completed by the voter electronically; (B) signed with a wet signature or hand-drawn electronic signature; and (C) submitted electronically, by mail or by delivering it to the office of the appropriate city or town clerk. The most recent version of the Federal Post Card Application shall be one such application that shall be accepted by the state secretary pursuant to this section.

(c) An application pursuant to subsection (b) shall permit a voter to request to receive an absentee ballot: (i) by mail, in accordance with section 91B; (ii) by fax; (iii) by email; or (iv) electronically through an electronic system that is approved by the state secretary and allows a voter to receive, mark, verify and cast a ballot electronically; provided, however, that any electronic system approved by the state secretary under this section

shall: (A) provide an electronic voter affidavit that may be used for certification of an electronic ballot and signed with a wet signature or hand-drawn electronic signature; and (B) not store personal identifying information beyond the time necessary to confirm the identity of the voter.

(d) Upon receipt of a properly executed application for an absentee ballot from a voter, the city or town clerk shall retain the application and, without delay, enter the application in the voter registration information system. The city or town clerk shall expeditiously transmit a ballot or access to an electronic ballot to all voters for whom an application was received in accordance with subsection (c).

(e) The state secretary shall provide clear instructions to voters for returning the marked absentee ballot to the appropriate city or town clerk to be counted; provided, however, that the voter may return the ballot to the city or town clerk: (i) by mail; (ii) by fax; (iii) by email; (iv) electronically through the electronic system approved by the state secretary, subject to the regulations promulgated by the secretary; or (v) by delivering it to the office of the city or town clerk or a secured municipal drop box for the city or town where the voter is registered.

(f) If a request for an absentee ballot is received from a voter 45 or more days before a federal election and the state secretary has determined that the city or town clerk is unwilling or unable to transmit the ballot not less than 45 days before the election, the state secretary may, on behalf of the city or town clerk, after notice to the city or town clerk and in accordance with the voter's choice, electronically transmit or mail the appropriate absentee ballot and instructions to the voter not later than 45 days prior to the federal election. The state secretary shall enter in the voter registration information system the transmission date on which absentee voters were sent ballots by the state secretary pursuant to this subsection.

(g) The state secretary shall promulgate regulations to implement this section.

SECTION 19. Section 92 of said chapter 54, as so appearing, is hereby amended by adding the following subsection:-

(d) The absent voting ballot of any voter who was eligible to vote at the time the ballot was cast shall not be deemed invalid solely because the voter became ineligible to vote by reason of death after casting the ballot. For purposes of this subsection, the term "cast" shall mean that the voter has: (i) deposited the absent voting ballot in the mail for ballots mailed; (ii) returned the absent voting ballot to the appropriate local election

official either by hand or by depositing it in a secured municipal drop box, where available, for the city or town where the voter is registered; or (iii) returned the absent voting ballot electronically pursuant to section 91C.

SECTION 20. Said chapter 54 is hereby further amended by striking out section 93, as so appearing, and inserting in place thereof the following section:-

Section 93. All absent voting ballots submitted by mail, delivered in person to the office of the city or town clerk, returned to a secured municipal drop box for the city or town where the voter is registered or returned electronically pursuant to section 91C shall be received by the city or town clerk before the hour fixed for closing the polls on the day of a primary or election; provided, however, that an absent voting ballot mailed on or before the day of a biennial state election shall be accepted until 5 p.m. on the third day after the election and shall be processed in accordance with section 95. A postmark, if legible, shall be evidence of the time of mailing.

SECTION 21. Section 95 of said chapter 54, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

Any absent voter ballot cast pursuant to section 86 may be opened and deposited into a tabulator in advance of the date of the primary or election in accordance with regulations promulgated by the state secretary; provided, however, that municipalities that do not have a tabulator may open and deposit early voting ballots into a ballot box; provided further, that such ballots shall be kept secured, locked and unexamined and that no results shall be determined or announced until after the time polls close on the date of the primary or election; and provided further, that notice of the date, time and location of any such opening or depositing shall be posted 2 business days in advance of the opening or depositing; and provided further, that the opening or depositing shall be open to the public. Disclosing any such result before such time shall be punished as a violation of section 14 of chapter 56.

If not advance deposited, the city or town clerk, on the day of the election but not later than 1 hour after the hour for the closing of the polls, shall transmit all envelopes purporting to contain official absent voting ballots received on or before the close of business on the day preceding the day of the election, and that have not been marked "Rejected as Defective" as provided in section 94, to the local election officers in the

several precincts where the voters whose names appear on such envelopes assert the right to vote or to a central tabulation facility designated in accordance with regulations promulgated by the state secretary. The local election officer in charge of the polling place or central tabulation facility shall immediately, after receipt of any such envelopes, distinctly announce the name and residence of each such voter and check the voter's name on the voting lists referred to in section 60 of chapter 51, on the voter's certificate of supplementary registration attached to such lists as provided in section 51 of said chapter 51 or on the lists of specially qualified voters, if it has not already been so checked. The city or town clerk shall open the envelopes in which the ballot is enclosed in such a manner as not to destroy the affidavit thereon, take the ballot therefrom without opening it or permitting it to be examined and deposit it in the ballot box. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

SECTION 22. Section 100 of said chapter 54 is hereby repealed.

SECTION 23. Not later than July 1, 2022, the state secretary shall enter into the agreement with the Electronic Registration Information Center, Inc. as required by section 47C of chapter 51 of the General Laws.

SECTION 24. Not later than 30 days after the effective date of this act, the state secretary shall conduct a public awareness campaign to inform voters in the commonwealth of the provisions of this act, including, but not limited to, measures to promote public awareness of: (i) expanded early voting options; (ii) the requirements and procedures for early voting by mail, including, but not limited to, information related to the ability of a voter who requests but does not return an early voting by mail ballot to vote in person on election day; (iii) the availability of accommodations for voters with disabilities; (iv) the availability of assistance under section 79 of chapter 54 of the General Laws for voters who have limited English proficiency; and (v) information explaining that the processing of mail ballots and the tabulating of the results of the election may extend a few days past the day of the election. The public awareness campaign shall: (i) be linguistically diverse and culturally competent; (ii) be provided in multiple formats for viewing and include, but not be limited to, outreach through digital and social media; and (iii) ensure specific outreach is conducted for groups and communities that have historically underused mail voting and early voting.

SECTION 25. The electronic instructions and accommodations prescribed by the state secretary pursuant to paragraph (4) of subsection (a) of section 25B of chapter 54 of the General Laws, as inserted by section 10, shall comply with requirements contained in Title II of the federal Americans with Disabilities Act and shall conform, to the extent feasible and required under law, with the Web Content Accessibility Guidelines 2.1 Level AA and best practices from the National Institute of Standards and Technology.

SECTION 26. Sections 1 to 4, inclusive, shall take effect 30 days after the effective date of this act.

SECTION 27. Not later than 30 days after the effective date of this act, the state secretary shall implement the internet portal required by paragraph (6) of subsection (a) of section 25B of chapter 54 of the General Laws, as inserted by section 10.

SECTION 28. Section 18 shall take effect on December 1, 2022. The state secretary shall promulgate regulations necessary to implement section 91C of chapter 54 of the General Laws, as inserted by section 18, not later than January 1, 2023.

SECTION 29. Sections 6 and 7 shall take effect on January 1, 2023.

SECTION 30. Section 25C of chapter 54 of the General Laws, as inserted by section 10, shall take effect on January 1, 2023.

House of Representatives, June 16, 2022.

Preamble adopted,

Kate H. — Speaker.

In Senate, June 16, 2022.

Preamble adopted,

W. H. Brown — President.

House of Representatives, June 16, 2022.

Bill passed to be enacted,

Kate H. — Speaker.

In Senate, June 16, 2022.

Bill passed to be enacted,

W. H. Brown — President.

June 22, 2022.

Approved,
at *2* o'clock and *55* minutes, *P.* M.

Charles D. Baker
Governor.

CITY COUNCIL ORDER
City of GREENFIELD
MASSACHUSETTS

Councilor _____:
Second by Councilor _____:

The City Council,

Moved that it be ordered,

THAT IT BE ORDERED, THE GREENFIELD CITY COUNCIL HEREBY APPROVES THE ATTACHED STATE PRIMARY ELECTION WARRANT FOR SEPTEMBER 6, 2022, AND FURTHER AUTHORIZES THE CITY COUNCIL PRESIDENT TO SIGN SAID WARRANT ON BEHALF OF THE CITY COUNCIL.

Majority Vote Required.

VOTE:

Explanation of supporting rationale:

**COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH
WARRANT FOR 2022 STATE PRIMARY**

SS.

To the Constables of the **City of Greenfield**

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city who are qualified to vote in Primaries to vote at: **Greenfield High School Gymnasium, 21 Barr Avenue, Precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9**

On **TUESDAY, THE SIXTH DAY OF SEPTEMBER, 2022**, from 7:00 A.M. to 8:00 P.M. for the following purpose: To cast their votes in the State Primaries for the candidates of political parties for the following offices:

GOVERNOR-----		FOR THIS COMMONWEALTH
LIEUTENANT GOVERNOR-----		FOR THIS COMMONWEALTH
ATTORNEY GENERAL-----		FOR THIS COMMONWEALTH
SECRETARY OF STATE-----		FOR THIS COMMONWEALTH
TREASURER-----		FOR THIS COMMONWEALTH
AUDITOR-----		FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS -----		SECOND DISTRICT
COUNCILLOR-----		EIGHTS DISTRICT
SENATOR IN GENERAL COURT-----		HAMPSHIRE, FRANKLIN & WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT-----	Precincts 1 through 4 &9	SECOND FRANKLIN DISTRICT
REPRESENTATIVE IN GENERAL COURT -----	Precincts 5 through 8	FIRST FRANKLIN DISTRICT
DISTRICT ATTORNEY-----		NORTHWESTERN DISTRICT
SHERIFF-----		FRANKLIN COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 20th day of July, 2022.

City Council President Sheila Gilmour

As authorized by a vote of the Greenfield City Council

By Constable posting:

Constable

Date of posting

Warrant must be posted by **August 30, 2022** (at least *seven days* prior to the **September 6, 2022** State Primary).