

COMMUNITY RELATIONS COMMITTEE

MINUTES

March 27, 2023

City Hall Meeting Room, 2nd Floor/Zoom Hybrid

6:00 p.m.

CALL TO ORDER Chairperson Forgey called the meeting to order at 6:04 p.m.

PRESENT Councilors Forgey, Lapienski, Mayo and Ricketts (arrived at 6:09 pm)

ABSENT Councilor Terounzo.

ALSO PRESENT Mayor Roxann Wedegartner; Invited Guest Public Safety Commission Member David Lanoie; Public Safety Commission Chair David Moscaritolo; Mary Bryne, *the Recorder* and Members of the public.

CHAIR STATEMENT: This meeting is being recorded by the Community Relations Committee. If any other persons present were doing the same they 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.”

APPROVAL OF MINUTES: None.

Communications from Department Heads, by invitation: Public Safety Commission Member David Lanoie’s presentation on Police Reform:

- Mr. Lanoie provided his credentials including education, employment and involvement in local government history.
- After retirement in 2016, Mr. Lanoie joined the Law Enforcement Action Partnership, a National Organization of current and former members of executive prosecutorial law enforcement corrections and other allied criminal justice who believe the process for police reform could be improved.
- At speaking engagements, a card was handed out to anyone associated with the criminal justice system with questions including, “Are you a criminal justice professional who sometimes feel you put yourself in danger to enforce laws that don’t make our neighborhoods safer? Wants to give people the means to rehabilitate themselves instead of watching them cycle through the system again and again? Has watched colleagues self-medicate in an attempt to manage stress and trauma because seeking help would hurt their careers? Thinks that people should speak out in favor of solutions they believe in?”
- The Law Enforcement Action Partnership of 501c3 nonprofit organization of police, corrections officers, judges, prosecutors, federal agents and other criminal justice professionals who seek to make our communities safer, and restore respect for police by advocating for responsible and effective public safety solutions.
- The criminal justice reform bill Chapter 253 of the Acts of 2020: An act relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth was recently signed into law by the Governor. Mr. Lanoie noted that any observations, recommendations,

critiques or conclusions apart from the descriptions of the bill itself was his sole opinion based on his recent and past experience as a public safety practitioner, academician in the field of Criminal Justice and attorney.

- The final bill instituted changes the Massachusetts criminal justice system in the area of policing in the following ways: Modifies the existing framework for training across the Commonwealth; created a standardized certification and decertification process for officials who are designated in the bill as law enforcement officers; removes and/or alters the role of the Civil Service Commission; collective bargaining agreements with regard to the decertification law that effected law enforcement officials; created a legislative commission to investigate and study the impact to administration of justice of the Qualified Immunity Doctrine and the origins that were presented by interpretation by our courts in the Commonwealth of Massachusetts; enumerated specific time topics to be addressed in recruit and in-service training of police officers, some of which were based upon newer models of evidence-based trauma and informed practices and diversion; addressed institutional racism and criminal justice through training language, decertification guidelines and the establishment of permanent commissions.
- The bill does not address the following: Create an entry-level requirement for a college degree for law enforcement or credit for training or incentives beyond stipends for completion of new or specialized training; the basis of qualified immunity except to add presumption that decertification removes qualified immunity with regard to the conduct which triggered the decertification.
- The bill embraced a POST (Peace Officer Standards and Training) system, which Massachusetts did not have. Massachusetts was one of the few states in the country without a post system. It did preserve the municipal police training committee, which was the municipal police model for training and it doesn't definitively address law enforcement on a multi-agency level for training education and certification.
- In this bill the definition of law enforcement now encompasses Municipal Police, Environmental Police, State Police, Sheriffs, MBTA (Massachusetts Bay Transportation Authority) Port Authority, Campus Police of both public and private institutions, Harbor Masters, certain public health hospital facility police, constables and, at a future date, State and County Corrections Officers.
- The bill provides a provision recognizing certification of existing officers as of July of 2021, and then allowed for a three year period of bridge academies. As of July 1 of 2024, law enforcement who were certified prior to the bill and didn't attend bridge academy would not be certified under the guidelines set by POST.
- Highlights of the bill include: The MPTC (Municipal Police Training Committee) was the training arm; and, for the first time, the Peace Officer Standards and Training Commission placed posts within EOPS (Executive Office of Public Safety); training and certification standards would be jointly developed by POST and the MPTC.
- There were two significant divisions: One was called the division of standards, the other was called the division of certification. POST had statutory civil enforcement authority and matters of certification, recertification, suspension and decertification of law enforcement officials. POST had adjudicatory authority, subpoena power, and sweeping authority to interpret legislative intent within the contents of the bill.
- Mr. Lanoie noted some of the language within the bill was vague or confusing and will need to be flushed out going forward. The State believed there was an entire section which addressed training and recruitment, a cadet program and the legislature, for the first time, had granted the Governor the option of appointing the Colonel of the State Police from outside

the agency. Statute police would continue to conduct their own training and would still statutorily be within the POST/MPTC oversight language.

- Certification and Decertification highlights: POST Commission had unilateral, non-appealable authority with regard to certification, and more importantly the permanent decertification of a law enforcement official through its investigatory body, which was the division of police standards, with the power to refer cases to the Attorney General for criminal prosecution. Current law enforcement officials with a certification, State Police, or the prior training Council were automatically certified upon passage the bill and were subject to recertification rules with an option to choose whether to participate in bridge training to gain recertification or not.
- There were 32 or more specifically enumerated violations which could lead either to suspension, modification or full decertification. With a legal standard of proof or full decertification being clear and convincing evidence with certain due process protections built into the system and a decision to decertify cannot be appealed to civil service, nor was it protected by a collective bargaining agreement.
- Due process protections within POST in both the investigatory and adjudicatory framework. Any agency executive, Public Safety Officer, or other entity named in the bill was prohibited from hiring a decertified officer in any capacity including as a consultant or contractor.
- Enumerated training areas and topics in the statute that would be required and oversight would be provided for them through the MPTC Domestic and Sexual Violence, bias free policing, use of technology to improve policing, de-escalation and disengagement, alternatives to use of force, understanding substance abuse disorders and trauma, strategies for reducing risk of harm, cultural competency, understanding autism and spectrum developmental disabilities as to victims, witnesses and perpetrators, procedural justice, racial profiling, use of force with chokeholds were specifically banned (note: Massachusetts did not train or use the chokehold as a method of restraint prior to the bill), specialized training preferred for school resource officers, children, adolescents cognitive development de-escalation, and bicycle safety and enforcement.
- Creation of permanent commissions for the status of African –American persons, Latino/Latinx persons, persons with disabilities and the social status of black men and boys. Legislative and special legislative commissions were as follows: Training comprehensive protocols for Corrections Officers and juvenile detention officials; creation of an independent body with power to deal with certification issues relative to Corrections Officers; Law Enforcement body camera task force within the Executive Office of Public Safety; special legislative commission to study facial recognition technology; creates a special legislative commission to study emergency hospitalizations by Law Enforcement; Specialist Commission to examine civil service hiring provisional; procedures for non-civil service municipalities and State Police; Special legislative commission to study establishment of a Statewide law enforcement Cadet program; special legislative commission to study the doctrine of qualified immunity; special legislative commission on structural racism and correctional facilities; special legislative commission structural racism in the parole process, special legislative commission structural racism in the probation process; and community policing.
- Behavioral health council was directed to study and make recommendations for creating crisis response and continuity of care systems which were evidence based, trauma informed policing corrections including crisis response and diversion and also direct the appropriate committee to promulgate regulations requiring law enforcement agencies to participate in

critical incident stress management; peer support programs to address police officer mental illness, suicide prevention and their effects on public safety.

- The bill was generally divided into two parts: part one creates the 15 bodies most charged with the implementation of studies; eight of those bodies a special legislative commissions and four were permanent; three of the legislative commissions and all four permanent commissions were charged with either studying structural racism within the States' criminal system or with the status of African Americans, Latino/Latinx and persons with disabilities.
- While there was no doubt that these were appropriate to study, there were copious and accurate data from which to make reforms. The following date points provides the basis for long overdue changes in criminal justice policy to address inequitable and punitive responses and approaches to people who were part of or affected by the statutory commissions that had been mentioned. The system, whether at the national or state level in localities, our criminal justice system had and continued to have and supported by evidence a disproportionate adverse impact on minority and poor communities.
- Structural racism had long been identified and occurred nationally and locally in the administration of Criminal Justice, including in the police, court and correctional systems. Black and brown citizens, particularly in port citizens of all races, suffer from a disproportionate and often punitive and/or discriminatory response not only within criminal justice but without also with regard to housing, education, health care, nutrition, access to jobs, post-release availability of homes and many other issues that were referred to the system as collateral consequences of interacting with our justice system.
- There was a growing and credible body of research which indicated the misuse and/or overuse of detention in the United States across the board; bail and sentencing systems were in need of sweeping overhauls; prosecutorial discretion (Principle of Regularity), and grand jury process were potential sources of either discrimination or a bar to selective prosecution claims, particularly for black and brown defendants (anecdotally, in 1996, the United States Supreme Court shut the door on select prosecution claims for black and brown defendants unanimously in the case of United States versus Armstrong).
- Entry-level requirements for police and corrections officers across the nation were among the lowest of all professions and may be inadequate to the challenges of administering fair, evidence-based public safety systems moving forward. The body of federal criminal law continued to grow at break neck speed, creating redundant, punitive responses to criminal behavior. The framers of the Constitution never intended creation of a full-blown Federal Criminal Justice System but the Nation had one. Stage legislators in the United States Congress had consistently passed laws which called for long and longer prison terms and mandatory minimums, all of which created collateral consequences. Beyond criminal records, such as close access to voting, jobs, housing, public assistance and other opportunities readily available to citizens who are not just as involved.
- It had been proven time and time again that the principle of criminology upon which our system was based, called the classical criminology based on deterrence, was flawed due to the fact it assumed each and every person was rational, thought the same as every other person and had free choice. Increasingly punitive responses using a system of deterrence had led to overcrowded prisons, the drug war and significant problems existing within the system in which police were unfairly asked to then deal with. Trauma-informed, evidence-based approaches to policing, corrections and judicial administration did exist and had been proven to achieve public safety and improve lives with fewer punitive sanctions or collateral consequences.

- Police States had militarized police forces and were not democracies. The United States of America was a democracy and the militarization of police was evidence of the decrease in the level of confidence citizen had in governmental authority and a perception of inequitable use of police authority, whether it was happening or not, at the street level.
- A mounting body of evidence indicated the paramilitary model of Law Enforcement Training over emphasized reinforcing a punitive instead of a collaborative or empathic form of social control. Police and public safety agencies were continuously burdened with new enforcement priorities without meaningful diversionary alternatives or infrastructures available to police and corrections systems. Public education in the most underserved communities lacked resources and educational choice, particularly in poor urban and rural communities. The United States, although was among the wealthiest of nations, did not provide adequate housing for low-income citizens with less than 5% of its housing stock publicly owned as to nearly 40% in European nations and industrial democracies. The poverty rates in major cities were a majority of the nation's minority citizens live was double, in some cases triple, the state average.
- Studies had been historically used to delay establishing major changes in public policy in the near term. The legislature did not use this opportunity to produce more aggressive systems changes most likely and understandably was the result of not having the time. However, the findings of commissions had often been ignored over the long term. A prime example was the Charles Street jail in Boston, which was condemned by seven separate governmental commissions beginning in the 1940s, was not shut down and replaced until 1991. Having been in continuous operation "brutalizing its human baggage since 1848." Even with a court order issued in 1973 in a continuing jurisdiction maintained by the court, the replacement took another 18 years. Hopefully, the four permanent commissions called for in this bill, would be an antidote for this problem and can be repositories for data for future legislative deliberations because substantive change had to happen. Alternative and diversionary options were needed to keep people safe.
- Part two of the bill enumerated conduct which triggers the decertification of a public safety official. It arguably forecloses any claim of qualified immunity and the bill identified these broad areas of improper conduct; however, it did not define each and every one in specific legal terms which would lead to decertification. This may have an effect on the ability to recruit people into the system to perform the job of policing or jail operations. Moving forward, the City may be able to attract people to important positions.
- Since the evolution of constitutional criminal procedure during the Warren court, the courts had attempted to reconcile the interplay of legal principles and factual circumstances similar to what was currently occurring in the this Police Reform Bill. Development of bright-line rules to provide guidance during otherwise chaotic events encountered in law enforcement and corrections. There were value of bright-line rules; however, with a training experience for a police officer should not be truncated in ways that make the complexity of social control overly simplistic. The changes to training call from the legislation, which in most cases should be the subject of college courses, may be insufficient to meet the standards set by the bill. The bill did not lay out a framework for enhancing the entry level requirements for police and corrections beyond high school and the training academy.
- If higher expectations and standards for policy in jail administration should be optimized, logically officers should be given the skill set both tactile and intellectual to meet the objective set forth in the bill. One way to provide the skill set was to require a minimum of a two-year college degree in any major for public safety officials. This would recognize the training and education were complementary and not mutually exclusive. Ironically, a bill

calling for this very degree filed and working its way through the legislature at the same time as the Reform Bill was being drafted; however, as currently written, the bill made no advance toward this goal. It would seem the legislation to be more retributive than reformatory in its concentration on punitive responses to police conduct. Prescribing and punishing conduct by police or corrections officials which violated the law or were out of step with equitable public safety policy was necessary. Plain and simple, Law Enforcement Officers must be held to a higher standard and they must live that standard on and off duty with the understanding that the badge of office was more a burden than an entitlement.

- Legitimacy was a two-way street; asking police to respect citizens, which we had a right to ask, required citizens to respect police for the job they perform and risks they take. A missed opportunity to change public safety on the front by changing entry-level qualifications. A report from the Governor's panel to review police published in 1989 read the following: The academic component of police training should give police officers a more solid foundation than the fundamental principles of democratic government and the communities in which they serve. They should have sufficient background in the growth of democratic institutions to enable them to understand and appreciate the complexity of the law enforcement task and the challenge inherent in its fulfillment. There was a need for established programs, well-documented curricula materials and qualified instructors. One of the Commonwealth's greatest resources, and one which could significantly contribute to the training of police officers, was its colleges and universities. These institutions of higher learning can potentially offer training sites and assistance in curriculum development; and failure to develop a strong association between police training and the college and universities would be a mistake. The Police Reform Bill did not embrace in its post a relationship with colleges, normalized in many cases across the country.
- Massachusetts had touted the value of community colleges and places where higher learning and workforce development came together to enhance communities. Public colleges which offered public safety courses and programs incorporate what they know to be important topics for enriching critical thinking and understanding about what an equal, socially just and utilitarian criminal justice system should look like in a racially diverse country and in a democratic society. The framework a society used for social control was arguable the touchstone for all other productive activity. Moving forward in a time of political and social polarization, it was crucial that public policy be made in a deliberative and dispassionate manner. This could not occur in an echo chamber that closed robust debate, careful consideration, room for other viewpoints and thoughtfulness. An atmosphere should not be created where logic was the enemy and truth was a menace; there must be common ground. Bottom line, there must be willingness on both sides of any issue to disrupt the status quo; and the bill came close to embracing it, but fell a bit short. It seemed to protect the status quo of training, as opposed to an education training/hybrid approach. The bill did not embrace a completely true post system.
- Certification standards appeared as a cookie-cutter, one standard for everybody. It lacked focus on a baseline educational standard of collaborative approach to broaden awareness and create critical thinking skills of officers at the entry level. By creating one standard for certification the bill would achieve a long and old goal, particularly in the Eastern part of the State that does not rely on part-time policing in their departments. This would disproportionately impact Western Massachusetts communities, along with Cape Cod, the islands, and any rural areas in the Commonwealth that were pockets of the more Metropolitan and populist counties as well as agencies exercising law enforcement authority but did not perform general law enforcement primary response calls for services without the

requirement of a college degree for entry-level officers and there was little incentive to earn one.

- Funding for the Quinn bill was pulled back by the state. In 2008 it was retained by the State Police. Mr. Lanoie was involved in a program where officers came to school for finishing a bachelor's and master's degrees. Did not understand what the fear of higher education was in respect to this very important profession that had so much authority over citizens or the incarcerated. Limited officer participation and credentialing on the front end doesn't move the issue forward.
- In conclusion, this legislation was well intended and attempted to address and root out bad police officers, improve policing and improve jail administration. No legislation was perfect, but without communication, conciliation and compromise, there would be no society to preserve or Community worth preserving.

Councilor asked the following questions:

- Importance of police officers to be taught Sociology to better understand their position as an officer of the law.
- The commentary presented by Mr. Lanoie approached with his expertise as a teacher, a lawyer, or past work in the jail system.
- How to begin to solve the problem at the local level.
- Threshold for how a police officer would respond to a call that did not require their services.
- Police officer's right to self-defense and if the reform bill addressed that issue.

PUBLIC COMMENT: The following members of the public spoke.

- Susan White, Plain Road, proposed and asked that the how part of this issue was looked at in long-term engagement and short-term engagement actions and consider the public review board being annually reviewed. Would the City Council and Mayor continue to have long-term sustained engagement? She suggested ways in which both citizens and police could have open dialogue and discuss solutions with input from both sides.
- Marc Odato, Prospect Street, spoke to how police presence deterred criminal and bad behavior and supported police receiving more education along with training.
- Stephanie Duclos of Greenfield inquired if certain courses should be required to be taught to police officers, including violations against the Constitutional rights of citizens.
- Maria Burge, Garfield Street, who had 35 years in law enforcement background and worked with Mr. Lanoie on many of these issues, was happy to see that reform was finally moving forward. She inquired about Greenfield's plan for police reform and other improvements.

Discussion concluded with encouragement to have more dialogue, however uncomfortable, and to be aware that there would be no easy solutions, processes or procedures, and everyone from all sides of the issue need to approach these issues with civility and compromise.

Next meeting originally scheduled for April 17 would be rescheduled at a new date due to April 17th being a holiday.

It was the consensus of the Committee to adjourn the meeting at 8:12 pm.