

## **Commission on Use of Force Policies**

### **60-day Report**

Several topics arose during the August 26 Public Meeting and via e-mail that the Commission to review Use of Force Policies is committed to addressing at the 60-Day mark and prior to a second public meeting, which is currently being planned.

Following are the NBPD's policies subject to discussion:

12-01: [Use of Deadly Force](#)

12-02: [Use of Less Lethal Force](#)

12:03: [Electronic Control Weapons](#)

To provide input on these policies, click here: [Feedback on NBPD "Use of Force" Policies](#).

Public Safety Committee Chairman and Councillor Brian K. Gomes convened the Commission on Police Use of Force Policies in July with a clear mandate to review the three existing policies that embody "use of force" and produce recommendations for improvement within a 60-day timeframe. This timeframe was recently extended to 90 days.

Mayor Jon Mitchell created the commission in June as a part of his commitment to The Mayor's Pledge aimed at addressing use of force policies in police departments across the country. The Obama Foundation's Mayor's Pledge calls on mayors across the United States to commit to the following four actions:

1. REVIEW your use of force policies.
2. ENGAGE your communities by including a diverse range of input, experiences, and stories in your review.
3. REPORT the findings of your review to your community and seek feedback.
4. REFORM your communities police use of force policies.

### **Transparency of Commission**

The Commission members individual review of existing NBPD policies on the "use of force" entailed reading, analyzing, and critiquing more than 60 pages of NBPD rules and regulations (Use of Deadly Force, Use of Non-Lethal Force, Electronic Control Weapons, and Department Directives.) The Commission recommends these policies be read by all who wish to participate at our next public meeting. This examination complied with the first action asked of the Commission by the Mayor's Pledge.

The Commission heard of mandatory police training conducted by the Massachusetts Police Training Committee (MPTC). In compliance with the second action of the Pledge, the Commission members gave witness to their personal experiences and stories – including that received from members of their community. The Commission examined an analysis of the number of complaints filed against the police for the years 2018-2020 and an "survey of policing" conducted by the Human Relations Commission, which is chaired by one of our members. The comments received were not only appreciated but NEEDED. Public comments were received in support of the NBPD and other comments were critical of

their actions and the existing NBPd rules and regulations. With the body of work to which it is committed, the Commission agreed to meet in caucus to allow members time and ability to review and understand the policies before holding a meeting for input from the public.

The Commission produced its first press release in mid-July. That press release outlined the goals and plans for the Commission and was distributed to Standard-Times, WBSM, New Bedford Guide, New Bedford Live, via NBPd social media and through all Commission members to share with their networks. The Commission produced two more press releases in early and mid-August that provided information ahead of the public meeting August 26 along with links to publicly housed use of force policies. These press releases provided full disclosure on the agenda of the meeting, time for public input, and what they were hoping to hear on from the public. The press releases were again sent to the above-mentioned media outlets and distributed via social media and Commission membership. Additionally, the 2<sup>nd</sup> and 3<sup>rd</sup> press releases were sent to a list of youth-oriented organizations throughout the city to ensure inclusion. The Commission received no requests for provisions for those without internet access, in need of translation services or any other form of access.

The Commission is not at or near the end of its work. Members of the Commission are still gathering information and contemplating recommendations, in part, based on input it receives from the public.

### **Open Meeting Law**

The Commission's meeting practices—both in camera and public forums— are aligned with the “Open Meeting Law.” The Mayor created the Commission to review the Use of Force policies and provide recommendations so he will have the information necessary to direct the Police Department to make changes to existing policies, pertaining to the use of force, if he determines that changes are necessary. Bodies appointed by a public official solely for the purpose of advising the official on a decision that individual could make alone are not public bodies subject to the Open Meeting Law.

*(M.G.L. c. 30A, sec. 18 defines a “Public body” as a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that “public body” shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.)*

### **Appointment of Commission Members**

Since the Commission did not compose itself and was in fact appointed by Mayor Mitchell, questions relating to the criteria for selecting Commission members and the composition of the body are better directed to the Mayor.

## **Policy work**

We compared policy standards from across the state and on a national level to identify gaps and areas for development in the NBPDP “use of force” policies.

The Commission is reviewing “language” throughout all the NBPDP Use of Force Policies within the context of other relevant policies, regulations, directives (e.g. the NBPDP Rules and Regulations.) Your comments and implicit recommendations on language will be considered by the Commission and is very much appreciated. The Commission will continue to do this until its final recommendations are provided to Mayor Jon Mitchell.

The Commission notes areas/issues where we have had discussion and in some cases agreement, but continue to consider as a work in progress:

- *In addition to the ban on choke holds already in the rules and regulations, adding “and/or strangulation holds”*
- *Body cams/dashboard cams*
- *De-escalation policy clearly establishing language*
- *Duty to intervene*
- *Training – including certification of police and matters dealing with racial profiling and diversity*
- *A review of “8 Can’t Wait” campaign*
- *Accountability – including specific language that a violation of these rules and regulations shall result in discipline, including possible suspension, termination, civil and/or criminal liability;*
- *Transparency*
- *Community policing*

## **Accountability of the NBPDP**

The NBPDP “use of force” policies guide officers in performance and behavior. When an officer violates any of those policies, he/she is held accountable through the department’s governing Rules & Regulations. Disciplinary action ranges from counseling to termination. The department receives an average of 60 complaints a year. Reports of violations can come from both inside and outside of the department.

A [public complaint procedure](#) and [form](#) to report an officer is available at [www.newbedfordpd.com](http://www.newbedfordpd.com), at all NBPDP stations, at City Hall in Personnel and at the Human Relations Commission. Residents are encouraged to file a complaint by emailing [chief@newbedfordpd.com](mailto:chief@newbedfordpd.com) or calling the Chief’s line. Once a report is made, an investigation occurs by the Professional Standards Unit. Depending on the significance of the investigation, the outcome may result in discipline anywhere from counselling to termination. The complaint procedure is bound by Policy #03-03 and per policy the complainant is made aware of the finding once the investigation is finalized.

## **Training of the NBPDP**

The Municipal Police Training Committee (MPTC) provides a 6-month training program for new police recruits that translates into 800+ hours. The program is organized into three (I-III) volumes with multiple subtopics and covers 21st century policing best practices with specific emphasis on the following core principles: problem solving, procedural justice, ethical decision making, and fair and impartial policing.

MPTC training (which includes New Bedford police officers) is in the top 20% when it comes to numbers of hours trained across the country. At the MPTC academy, they learn state laws, criminal investigations, patrol procedures, firearms training, traffic control, defensive driving, self-defense, first aid and computer skills. Police academy recruits also undertake physical training and fieldwork that demonstrates their comprehension of classroom instruction. Field exercises include investigating mock criminal scenes, directing traffic, operating police vehicles, arrest techniques, using firearms, fingerprinting and interrogation methods.

Once an officer is on the job at the NBPD, he/she does a week of in-house NBPD training at HQ before he/she serves 30-days with a veteran officer. At that point it is determined if the Officer is ready to be added to the rotation.

Officers are required by state statute to also undergo 40 hours of In-Service Training annually. The agenda of this training is set by the MPTC (Municipal Police Training Committee) and the MA Chiefs of Police. Topics that are mandatory every year are Legal updates (both Criminal Law and Motor Vehicle Law), Use of Force/Defensive Tactics, and CPR & 1<sup>st</sup> Responder. Topics that are additionally added are usually based on the landscape of what is going on in policing that we need additional training on or what is new in policing. During the past 2-3 years topics have included Fair & Impartial Policing, Officer Wellness & Suicide Prevention, Active Shooter Response, Dealing with Alzheimer issues, conducting Cruelty to Animal Investigations and responding to calls from those experiencing a mental health crisis, Alzheimer's, Autism, other cognitive conditions and disabilities.

In light of the events of 2020, the MPTC is currently in discussions about additional training that can be brought in at the state level. This will include officers of the New Bedford Police Department.

The 2020-2021 schedule is not quite completed, but discussions are centering around additional training in de-escalation, Integrating Communication, Assessment and Tactics (ICAT), Racial Profiling, Cultural Competency, Effective Communication and LGBTQ Rights. This Commission has discussed the importance of including trainings on unconscious bias, racial justice and racial equity along with other programs to address the needs of diverse communities who are experiencing oppression.

### **De-escalation training**

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a subject/suspect and enable an officer to have additional options to gain voluntary compliance or to mitigate the need to use a higher level of force, while still maintaining control of the situation. The goal of de-escalation is to avoid a violent encounter with the key elements of de-escalation techniques being for officers to create distance, take time and use shielding. Throughout the summer, the Commission has repeatedly discussed the topic of de-escalation. Currently, the Commission is in the process of writing recommendations to further articulate and strengthen de-escalation language in the NBPD Use of Force Policies. The main learning objective of de-escalation training is to provide police officers with an organized way of making decisions about how they will act in any situation, including situations that

may involve uses of force. Effects on the Decision-Making Process, Officer Safety While De-Escalating, Situational Awareness and tactical repositioning.

### **Additional Insights**

To date, the Commission has reviewed data on public complaints of police abuse or use of force. The data has included the race of the complainant when known. The Commission has not yet determined which recommendations it will make and present to the Mayor. This will only occur after full deliberation of the Commission on each recommendation being considered.

The Commission continues to invite further recommendations on:

12-01: [Use of Deadly Force](#)

12-02: [Use of Less Lethal Force](#)

12-03: [Electronic Control Weapons](#)

To provide input on these policies, click here: [Feedback on NBPD "Use of Force" Policies](#).

This input will help to further inform the Commission of the public's insights.