

Status of Recommendations Relating to Law Enforcement in Needham

DRAFT June 4, 2021

(UPDATED October 2021)

NUARI Recommendations

Recommendation: Meet regularly with stakeholder groups and communities of color to build mutual trust and respect.

Current Status: The Chief will establish connections with representatives of community resource groups and individuals who have reached out about their personal experiences with race and policing in Needham and will report back to the Board on progress in October 2021.

(UPDATE October 2021) The Chief met with a local AAPI group and participated in a panel discussion with the Norfolk County DA regarding violence and bias-based crimes against AAPI community. The Chief has set up quarterly meetings with Needham Housing residents to discuss policing and services the Department provides. The Chief will be a panelist during the Diversity Summit in November. He has met with BIPOC leaders to gain insight on how to engage members of the BIPOC community. In addition, he has had conversations with the Needham Human Rights Committee and Assistant Town Manager to assist in the potential creation of a response team to biased based incidents. The Chief has also reached out to the Indian Community of Needham to meet with the group and discuss the Needham Police Department and answer questions regarding policing.

Recommendation: Work with stakeholders to sponsor a series of conversations between the public and police officers, including especially BIPOC individuals, to build relationships and a stronger understanding of different perspectives and lived experiences.

Current Status: The Chief will work with the Town Manager, Assistant Town Manager/Operations and outside experts to develop a framework for individual discussions between police officers and members of the BIPOC community and will report back to the Board on progress in October, 2021. The Department will also participate in Town-sponsored community conversations about race and policing as appropriate

Recommendation: Find ways to educate the public on the role of police officers, such as through a Citizen Academy.

Current Status:

(UPDATE October 2021) The Police Department is hosting a Citizens Police Academy October 13th - November 22nd. In addition, the Department hosted a Junior police academy in June.

Recommendation: Emphasize training on mental health issues, threshold inquiries, de-escalation techniques and the impact of implicit bias on policing. Further de-escalation training in non-life-threatening conditions should also be considered.

Current Status: All officers will have completed de-escalation mental health techniques for first responders by the end of May. De-escalation is emphasized in every use of force training scenario. Training tactics include verbal communication, slowing down the pace of incidents, warnings, waiting out a person, creating distance and cover, and calling in additional resources to assist. Since December, the Community Outreach Officer (COO) and embedded clinical social worker have had outreach/contacts 66 different times. This is important because such intervention can help address issues proactively prior to an individual going into crisis. Having this embedded clinician who works with our COO or available officers on scene creates positive interaction and develops trust with the family and individual who is in crisis. Threshold inquiries was addressed in annual in-service training this spring. We will also address this in department training this fall/winter. De-escalation is in every use of force and scenario-based training.

(UPDATE October 2021) De-escalation is mandatory for all officers this year as part of the MPTC annual in-service training. All officers and dispatchers have recently completed implicit bias training. All officers and dispatchers attended Fair and Impartial Policing training in September. The Needham Cable Channel did a story on this topic. <https://youtu.be/nBk9UtCHQQw>

Recommendation: Prioritize leaving Civil Service to gain greater flexibility within the hiring and promotional process to achieve a more diverse department which reflects the broader community.

Current Status: This matter is subject to on-going collective bargaining.

Recommendation: Implement all local components of the new state police reform law once additional guidance is made available. Following that, the Select Board should identify if any local policies or practices warrant additional review or changes or whether additional reforms should be made.

Current Status: The POST Commission [members](#) have been appointed. Staff will monitor the progress of the Commission and attend public meetings.

Recommendation: Review the Use of Force Policy after the Peace Officer Standards and Training (POST) Commission issues the model policy and determine whether NPD's policy should include a stronger focus on de-escalation.

Current Status: This review will occur after the POST Commission issues the model policy.

(UPDATE October 2021) The Department has updated, and all officers have reviewed, the new Use of Force Policy, which is consistent with language required by the legislation. It will be reviewed when sample policy is released. The Department has updated School Resource Officers MOU to include any changes regarding POST. The Chief is working with the Needham Public Schools superintendent to finalize the document. The Chief has assigned a lieutenant to monitor POST compliance.

Recommendation: Have the Select Board serve as the oversight body of the Needham Police Department until the POST Commission role is defined.

Current Status: The Select Board serves as the oversight body until the POST Commission role is more clearly defined.

Recommendation: Report regularly and make publicly available key enforcement data, broken down by race, gender and residency, to identify potential disparities and monitor trends over time.

Current Status: NPD Enforcement Data [Dashboards](#) have been compiled for 2018, 2019 and 2020. The dashboard will continue to be refined and revised based on stakeholder input. The dashboard will be issued annually in the February/March timeframe.

(UPDATE October 2021) The Department is hiring an administrative analyst who will be responsible for updating the dashboard. The Chief intends to update the dashboard and issue an annual report by March.

Recommendation: Support funding for a regional collaboration with the Needham Police Department, Dedham Police Department, and Riverside Community Care to provide clinical support services for individuals with mental illness, co-occurring substance use disorders and trauma histories who might otherwise become incarcerated (see May 2021 Special Town Meeting Warrant Article 15).

Current Status: This program, which began as a PILOT in late 2020, was funded for an additional year at the May 1, 2021 Special Town Meeting.

Tidwell Report Recommendations

Recommendation: NPD Policy § 1.01: Use of Force - The policy itself, while consistent with best practices in its recognition of de-escalation as a critical part of ongoing use of force training, does not espouse de-escalation as a guiding principle in use of force decision-making nor does it require that officers attempt to de-escalate a situation when reasonably and safely able to do so. We recommend that the policy be revised to incorporate these safeguards.

Current Status: We are awaiting direction from POST on a template Use of Force policy and will review other policies based on this recommendation. See above for de-escalation used in NPD training.

(UPDATE October 2021) The Department has updated, and all officers have reviewed, the new Use of Force Policy, which is consistent with language required by the legislation. It will be reviewed when sample policy is released.

Recommendation: NPD Policy § 1.07: Threshold Inquiries – NPD’s Use of Force policy does not require that officers report handcuffing of compliant individuals. However, the Threshold Inquiries policy does require the reporting of every investigative detention to include the identity of the person stopped and “all important facts relative to the incident.” In our view, handcuffing qualifies as an “important fact”

and, as such, we recommend that the policy be revised to require officers to include handcuffing as part of any investigative detention report even where, like here, the handcuffing does not meet the requirements for reporting under the Use of Force policy.

Current Status: The NPD added a handcuffing special reporting feature to all incident reports, which will allow for tracking of incidents that individuals were handcuffed. Information on the incidence of handcuffing will be included in the annual public safety report.

(UPDATE October 2021) In addition to MPTC annual criminal law and criminal procedure updates and training, the topic of Threshold Inquiries was addressed in annual in-service training this spring. The Department will also address this in department training this fall/winter. De-escalation is in every use of force and scenario-based training. De-escalation is mandatory for all officers this year as part of the 2021-22 MPTC annual in-service training.

Recommendation: NPD policy 4.01, Internal Affairs – This policy governs the conduct of the department’s internal investigations and notes that, “[T]o a large degree, the public image of this department is determined by how well it responds to allegations of misconduct against the department or its officers.” The Tidwell report suggests the NPD review its IA practices with respect to Internal Affairs investigations in the following areas.

NPD Policy § 1.12: Eyewitness Identifications – This policy governs the conduct of eyewitness identification procedures and cautions officers as to the unreliability of eyewitness identifications as well as the need to avoid circumstances that are unnecessarily suggestive of criminality. The policy also cautions against the use of RMV photos to identify suspects.

Current Status: This policy is being reviewed and adjusted as needed. The Chief will report on the review of this policy in October 2021. It must be understood that as a last resort, RMV photos may be the only photo available at the time of the investigation, and further investigative methods are needed to positively ID a suspect.

NPD Policy § 2.01: Follow-up Investigations – While the policy does permit patrol officers to conduct follow-up investigations, the manner in which such are conducted appear to warrant assessment as part of a thorough internal investigation.

Current Status: The Chief will ensure that officers are training on appropriate investigative methods.

(UPDATE October 2021) This policy has been updated and was issued in August.

NPD Rules & Regulations 7.3: Courtesy to the Public – Further review of actions that appear to be in violation of the policy’s requirement that officers “answer questions from citizens in a courteous manner.”

Current Status: The Chief is committed to ensuring that officers are courteous and respectful.

(UPDATE October 2021) The rules and regulations for this and requests for officer identification was issued and reviewed and acknowledged by officers in August.

NPD Rules & Regulations 7.4: Requests for Officer Identification (Name/Badge Number) – Further review of whether any officers walked away without providing said information which, if proven, would constitute a policy violation.

Current Status: The Chief will ensure that officers are aware of and comply with the Officer Identification policy.

(UPDATE October 2021) The rules and regulations for this and requests for officer identification was issued and reviewed and acknowledged by officers in August.

Articulation of Standard of Proof We recommend that the Internal Affairs policy be amended to include the standard of proof for sustaining a complaint. Notice of the evidentiary burden/standard of proof serves an important due process function for individual officers. It also offers the community some assurance that complaints are investigated fairly and uniformly. We believe that a preponderance of the evidence standard comports with best practices for conduct of police internal investigations and recommend that the department incorporate same here.

Current Status: NPD will update the articulation of the standard of proof included in the Internal Affairs policy by September 1, 2021.

(UPDATE October 2021) The Department is working on this as more study is needed.

Review and Oversight of Internal Investigations. In our view, implementation of a meaningful civilian oversight function to buttress the police department's internal investigations process would promote transparency while enhancing trust and community confidence in compliant investigations.

Current Status: The review and oversight of internal investigations will be a function of the POST Commission as all complaints or IA investigations will have to be forwarded. The Select Board serves as the oversight body until the POST Commission role is more clearly defined.

The department should adopt a practice of recording IA interviews to protect the integrity of internal investigations in the event that a witness later recants his/her account or where allegations are raised that the investigation was somehow manipulated to achieve a desired outcome. Recording of interviews would also better enable outside reviewers, such as those in a civilian oversight role, to evaluate and assess the quality of completed investigations.

Current Status: NPD typically does record IA interviews, but Covid-19 precautions and the inadequate interview room at the temporary station did not provide for appropriate social distancing. It should be noted that in some cases, officers have legal rights which allows them to not be recorded.

Equal Justice in Needham Public Safety Report Recommendations

Recommendation: Create a dashboard of relevant metrics, disaggregated by race, developed in partnership with the Community and based on academic research on important data to track.

Current Status: Staff are reviewing the research of the [Police Foundation](#) and feedback provided by Equal Justice in Needham members to evaluate best practices in data benchmarking. Other sources will also be identified and reviewed. The dashboard will be issued in the February/March timeline each year.

Recommendation: IT systems should be modified to capture relevant data fields and relieve the burden on manual analysis.

Current Status: NPD has added some reporting collection features. The Department is constrained by the limitations of the software.

Recommendation: Particular attention should be paid to measuring data on race.

Current Status: NPD is working with the Town Manager and Select Board on refining the Enforcement Data Dashboards and on planning for an Annual Public Safety Report.

Recommendation: An annual public safety report should provide a comparative perspective on public safety outcomes, disaggregated by race.

Current Status: NPD will develop and issue an Annual Public Safety Report in the February/March timeframe. The Chief will report on the planning for the report in October 2021. NPD Enforcement Data [Dashboards](#) have been compiled for 2018, 2019 and 2020. The dashboard will continue to be refined and revised based on stakeholder input.

Recommendation: Publish the names, rank/role and training of all NPD employees on the Police Department website

Current Status: **(UPDATE October 2021)** Rank and Division are listed on website and summary of training will be part of the annual report.

Recommendation: Ensure robust and regular oversight of metrics and identify and act upon areas needing improvement.

Current Status: NPD leadership will continue to monitor metrics and act on areas needing improvement. The Chief will meet regularly with the Select Board to discuss metrics.

Recommendation: De-escalation should be the foundation of all interactions and policies of the Department.

Current Status: De-escalation is emphasized in every use of force training scenario provided to employees. These de-escalation tactics include verbal communication, slowing down the pace of

incidents, warnings, waiting out a person, creating distance and cover, and calling in additional resources to assist. De-escalation is a core value of NPD leadership.

Recommendation: The Use of Force policy should be rewritten based on modern models.

Current Status: NPD will review the Use of Force Policy after the Peace Officer Standards and Training (POST) Commission issues the model policy to determine whether NPD's policy should include a stronger focus on de-escalation.

(UPDATE October 2021) The Department has updated, and all officers have reviewed, the new Use of Force Policy, which is consistent with language required by the legislation. It will be reviewed when sample policy is released.

Recommendation: Policies related to mental health, complaints and disciplinary procedures, bias and hiring should be audited and revised.

Current Status: These policies will be reviewed after the model policies are issued by the POST Commission.

recommendation: Modernize policies related to mental health and ensure that all officers receive crisis training.

Current Status: NPD completed the [One Mind Pledge](#) in February of 2019. Needham is one of roughly 50 towns or agencies that have completed the One Mind Pledge requirements. These practices include:

- Establishing a clearly defined and sustainable partnership with one or more community health organizations.
- Developing and implementing a model policy addressing law enforcement response to people in crisis and/or with mental health issues or disorders.
- Training and certifying 100 percent of sworn officers (and selected non-sworn staff, such as dispatchers) in mental health awareness courses by:
 - Providing Mental Health First Aid training (or equivalent) to 100% of officers (and selected non-sworn staff); and
 - 100% of officers have completed De-escalation mental health techniques for first responders in 20/21
 - All officers are trained in Mental health First Aid.
 - Approximately over 50% all of officers are trained Crisis intervention. We plan on training department but currently only offered 2 seats to this training when available. Covid has delayed the availability of these classes but we will continue to train our officers.

- We have 2 officers signed up for October and 2 for November. We will add officers when seats become available.

Recommendation: Create an oversight body to monitor and be aware of NPD needs; the oversight body's reviews should be publicly available and published on the Town's website.

Current Status: The Select Board serves as the oversight body to monitor NPD needs; the POST Commission will serve as an oversight body once it is in operation.

Recommendation: The Oversight Body should commission an audit of key NPD policies, training and staffing in order to better align them with Needham's values and better reflect 21st century knowledge about best practices in community policing.

Current Status: The policy recommendations compiled in this document are the result of multiple analyses and discussions, from a variety of stakeholders, about best practices in community policing. They are being proposed to the Select Board as priority areas for NPD to focus on in the coming year. Updates on progress towards these recommendations will inform future actions.

Recommendation: There should be a Town-wide review of existing mental health resources with the goal of better servicing those with mental health needs.

Current Status: An initial gap analysis is [here](#).

Recommendation: The recent police reform bill allows school superintendents to opt out of the mandate that schools must have an SRO, and Needham should consider whether an armed police officer is best suited to carry out these duties within the school setting.

Current Status: The Superintendent has provided the following response as to why the School Resource Officer Positions are crucial in the Needham Public Schools:

The role of the School Resource Officer (SRO) in the Needham Public Schools is critical to promoting the safety, security, and wellbeing of all students, staff, and visitors to our schools. The Needham community, through the leadership and support of Town Manager Kate Fitzpatrick and Police Chief John Schlittler, has prioritized this crucial position to ensure that the key principles articulated in the [Memorandum of Understanding](#) are implemented in a way that promotes the education and welfare of all students.

The SROs maintain a regular, steady, and positive presence in the school community by supporting students and staff through, for example, consultations, meeting with family members, teaching classes, and participating in school and learning activities. Their presence is welcomed, anticipated, and encouraged through daily and ongoing collaborative conversations with staff, students, and parents. The arrival of "Officer Rocket" with one of our SROs in a classroom is always an exciting and comforting experience for all students, regardless of age.

Some of the key activities that highlight the responsibilities of the SRO in the NPS include:

- Advising and assisting the administration with issues of residency, truancy, or matters brought before the juvenile courts.
- Providing training and guidance on school safety, especially the implementation of active shooter drills and education around school security.
- Working and consulting with students, families, administrators, and counselors around issues of domestic violence, sexual assault, and cyber bullying.
- Coordinates services with the Boston Police Department to support Boston resident students and families.
- Advising school administration and staff about school security, safety and emergency management measures, protocols, and planning designed to protect students, staff, and property.
- Developing respectful and nurturing relationships with staff, families, and students to ensure a safe learning environment for all members of the school community.
- Advises the public and private school administrators and staff about issues of student safety and security;

In addition to the official responsibilities outlined in the MOU, the SRO provides significant and important service to students and staff in myriad ways as reported by building principals. Examples include:

- SRO delivered food to families in subsidized housing who did not have transportation
- The SRO has brought students to doctor's appointments provides resources to families in need
- The SRO is the conduit between the school and community; he/she has on many occasions brought much needed materials/ supplies to homes including wi-fi Hot Spots and even picking up children who missed their buses.
- The SRO is a presence as a support in our school community and demonstrates not to be afraid of police- the presence actually reduces stress and anxiety about police because the relationship is so positive.
- The SRO teaches multiple classes every year to students on particular topics involving police and the justice system. The SRO provides instruction and serves as a resource in Wellness classes, Science classes, and in our American Law classes, among many other situations.
- The SRO lives the vision of community policing and positive relationships.

- The SROs are prepared, trained and ready to de-escalate situations; SROs focus on education vs. punishment.
- The high school SRO has deep relationships of trust with some of our most disconnected and disenfranchised students. Many of these close relationships are with students of color, and he is among the important list of people they trust and seek out to talk, for advice, and to confide in.
- The SRO's reassuring presence and kind demeanor provide a strong model of compassion and support by a police officer. The SRO is at athletic events, in classrooms, and constantly available in the hallways, supporting and encouraging students in all environments.
- The presence of Rocket, the support dog, further softens the image and provides yet another connection between the students. As they walk the halls or drive through town, students and other community members flock to Rocket and shout to him in the car. Students often come seeking time with Rocket - and, in turn, the SRO - in the office setting throughout the day.

The presence of the School Resource Officer in the Needham Public Schools is essential to the overall programming in our community's schools. Without this position, and the ongoing and strong support of the entire Needham Police Department as well as the Needham Fire Department, our schools and students would be less safe, less secure, and their educational program and growth would be diminished.

Our schools are safer, our students are more secure with the ongoing collaboration and partnership we have established with the Needham Police Department.

Recommendation: The Department should consider becoming an accredited Department.

Current Status: It has long been a goal of the Department to participate in the accreditation process through the Massachusetts Police Accreditation Commission. The Department has been constrained by staff resources and the inadequacies of the old police station, as many aspects of the accreditation review process include the physical characteristics of the station and the Town could not meet the standard. After the new station is complete, NPD will begin the certification process and will explore the accreditation process.

Needham Police Citizens Academy October 13th, 2021 – November 22nd, 2021

Week 1 (October 13th)

- Introductions/What to expect
- Organizational Chart
- Tour of 88 Chestnut/Dispatch where calls originate importance of the position

Week 2 (October 20th)

- Crim Law/Procedure

Week 3 (October 27th)

- Use of Force
- MILO
- Traffic Stops

Week 4 (Nov 3rd)

- Traffic (Accident Investigation) Lidar/Radar try it out
- Resources (Kim/COO)
- Juvenile/Domestic Violence
- SRO's/Rocket

Week 5 (Nov 10th)

- Detectives (Crime Scene Demonstration)
- U-30 Presentation

Week 6 (Nov 17th)

- Metro
- SWAT
- Crisis Negotiation
- Graduation