

Police Equity and Use of Force Advisory Group MEETING AGENDA

Join Zoom Meeting: <https://zoom.us/j/91915524555>

Meeting ID: 919 1552 4555 Password: 830671

Dial into meeting: +1 646 558 8656 or +1 312 626 6799 or +1 301 715 8592

Thursday, November 19, 2020

7:00 – 9:00 pm

Meeting Being Taped

Votes May Be Taken

1. Facilitator opens the meeting, including announcing the meeting is being recorded and roll call taken
2. Facilitator Welcomes Montague Police Department Officials: Chief Christopher Williams and Lieutenant Christopher Bonnett
3. Approve Police Equity and Use of Force Advisory Group Minutes: November 12, 2020
4. Report on any written correspondence with the Montague Police Department (MPD) since November 12 meeting
5. First interview & discussion with Chief Williams and Lt. Bonnett
6. Community Member Jeff Singleton is analyzing arrest statistics provided by the MPD to the police advisory groups and the public. This is a work-in-progress, which he requested to introduce publicly a this time.
7. Administrative needs of the Committee
8. Topics not anticipated within 48-hour advance-notice posting requirement.
6. Adjournment

Supporting Documentation:

- 1) MPD Responses_2nd Cttee. Questions.11.17.20 **(See Attached)**
- 2) Nov.19 Meeting~Interview+Discussion topics with MPD **(See Attached)**
- 3) MPD Policies & Procedures Manual.2020 **(See Link)**
- 4) MPD Responses_1st Cttee. Questions **(See Link)**
- 5) MPD Arrest Data 2017 ~ 2020 **(See Link)**
- 6) MPD Use of Force Data 2017 ~ 2020 **(See Attached)**
- 7) Jeff Singleton Arrest Population Spreadsheet 11.17.20 **(See Attached)**
- 8) Jeff Singleton Data Commentary 11.17.20 **(See Attached)**

Police Equity & Use of Force Advisory Committee
Summary of 2nd Data-centered Questions & Answers from Montague Police Department
November 17, 2020

Compiled+ edited by Ariel Elan for the Committee and public [highlights in boldface by editor]

These questions and answers reference other documents, such as Arrest and Traffic Stop data and the MPD Policies and Procedures Manual, that are posted on this committee's web page at montague-ma.gov. See the committee's Data & Documents archive:

<https://www.montague-ma.gov/g/77/Police-Equity--Use-of-Force-Advisory-Group>

1. Regarding **Traffic Citations** print-outs the MPD has provided:

--We requested a **key to the state laws each traffic citation is based on** [listed in the left-hand column on the *Violation Breakdown* page for each year]. Lt. Bonnett provided this in a separate document: *Traffic Citations ~ Key to Violation Codes*

--Regarding **types of traffic stops**, Lt. Bonnett confirms that a "Warning" is a written warning, and "Verbal" is a verbal warning or conversation.

--We asked if we could receive a version of the first page (*Violation Breakdown*) and the final page (*Citation Statistics: Total Citations and Race Data Entry*) for each year **for Montague residents only**.

Lt. Bonnett: "Unfortunately, this is not a report I can generate."

3. Regarding the impact of policing on racial and ethnic sub-groups, which the Selectboard has asked the advisory groups to explore, the committee asked **why differing categories of race and ethnicity were listed for arrests, uses of force, and traffic stops**. *[See footnote for the lists.]

Lt. Bonnett:

"Traffic citation categories come from the state, as citations and traffic violations are managed and submitted to them.

"Arrest categories are set by the federal government, per the UCR (Uniform Crime Reporting) guidelines. Hence the differences.

[Use of Force statistics are a Montague PD initiative, as described later in this memo.]

"As we previously discussed, Hispanic is an ethnicity, and not a race category, as a member of any race can be/not be of Hispanic origin. That said, I know there is one spot that is confusing and lists Hispanic among the other categories of race. While this is technically not "correct", this comes from a mandatory study the state implemented many years ago regarding race reporting on traffic stops.

"Every police department was required to participate for a year, to monitor which departments may be racially profiling. This was called a "special study" and was built into departments' databases -- hence them tracking Hispanic and Middle Eastern specifically along with race, as this was a study to identify departments that may be profiling those groups.

"Those departments that did not raise any flags from the norm were released from this tracking after a year. We were one of those departments that raised no flags or evidence of racial profiling in our traffic stops and were released from participation in the study.

“However, that “special study” data collection metric still is alive in our system (we have seen no reason to delete it), and that is the report you see that appears to have “Hispanic” as its own category. Chief Williams opted to include it for the purposes of transparency.”

4. In the interest of equitably comparing the impacts of local policing on sub-groups, the committee asked whether there was a way to identify how many Hispanic individuals might be found in each of the racial categories reported. In response, Lt. Bonnett manually researched and created the documents *MPD Arrest Data. Hispanic 2016~2020* and *MPD Traffic Citations. Hispanic Breakdown by Cause*

As part of his response regarding demographic categories in reporting, Lt. Bonnett shared this information about the **Montague Police Department’s Use of Force policies, procedures, and reporting:**

“There is absolutely no mandate for police departments to track or provide use of force data in any specific way (most do not). It is not required or collected by the state or any other central clearinghouse.

“We took it upon ourselves to begin mandatory use of force data collection here beginning in 2017. I created a form and wrote a policy (see policy number 3.03, Use of Force Reporting) mandating all uses of force be reported, and how.

“This was done for many reasons, the least of them being able to have the answers in situations like this. More importantly, the data serves as an early warning system of sorts, allowing us to monitor and track our force usage for any anomalies or areas of concern.

“I review and approve every reported use of force individually, and comprehensively review our trends quarterly. Because we create and maintain this data, that is why it is so easy to retrieve and provide.”

5. Is every use of force connected with an arrest?

“While most are, not all have to be. An incident involving the restraint of an emotionally disturbed person in crisis, for example, may not result in an arrest, but would still be reported and documented as a use of force per our department mandate and policy.”

6. Is every use of (an) officer(s)’ Defensive Tactic(s) connected with an arrest?

“Any use of defensive tactics is considered as use of force, and therefore would be reported and documented as stated in question 4 above.”

**Arrest Data Demographic Categories*

Black
Asian
Pacific Islander
Native American
White

**MPD Uses of Force Demographic Categories*

Black
Asian
Pacific Islander
Native American [American Indian/Alaska Native]
White
Hispanic

**Traffic Stops Demographic Categories #*

Black
Asian or Pacific Islander
Native American [American Indian/Alaska Native]
White
Hispanic
Middle Eastern or East Indian [South Asian]
Missing

Categories on traffic citation data appear only if some in that category was stopped.

Interview Questions & Topics for 11.19.20 Meeting with Montague Police Dept. command staff

***Any materials referenced in this document that were not posted online with the Agenda for tonight's meeting are in the Data & Documents section of this web page:
<https://www.montague-ma.gov/g/77/Police-Equity--Use-of-Force-Advisory-Group>*

Introductory Question

--How do you understand your job of policing? Or What is the purpose of policing as you understand it?

Uses of Force ~ MPD perspectives

--We learned a few days ago, in Lt. Bonnett's written response to our second set of questions, that the reporting and accountability process the Montague Police Dept. has regarding use of force was adopted locally, with no requirement by state or federal government. We are very interested in hearing about the reasons, the timing, the motivations, and goals behind this policy.

--And were resources, models, or movements within professional policing or from other resources a factor in developing these policies and practices, and/or informing them?

--And is there anything you can share about how members of the department feel or have adapted to these policies and practices?

Questions we had prepared prior to the above include:

--Help us understand the different categories of force and the times they would be used. Can you share some real-life examples in which different types of compliance techniques or force might be used?

--Please help us understand the thinking of police officers when it comes to using force.

--Specifically, how do officers understand implicit bias when it comes to the performance of their duties, and how they might view or understand a person they are dealing with?

--What kind of training happens around these questions of sizing up another individual and how much of a threat that person may pose to the officer or others in the situation?

--One thing we have been learning from the national spotlight on unnecessary deaths in police custody or during an "incident" is that no locality is immune, and that unconscious bias does play a role in an officer's (or any person's) perception of danger/threat. What measures are being taken to ensure that members of the MPD do not make snap decisions that could lead to unnecessary use of force or deadly use of force in the face of high-stress situations?

Complaint Process and Records

--If a person who has been involved in an interaction with a member of the police department, or has witnessed or heard of an action that troubles them, and wishes to report a problem or complaint, what is the process for doing so?

--It would be helpful for this committee to receive data on any reports or complaints that may have been filed regarding police conduct or interactions over the past several years, including how each was handled and followed up.

Compliance Techniques, Uses of Force, & Reporting ~ technical aspects

Referencing the MPD Policies & Procedures manual, p. 113, Sec. III. Policy:

--Is it accurate to think that this section requires written Use of Force reporting of *all* compliance techniques and defensive tactics, with or without a weapon, and with or without any resulting injury or complaint of injury?

--If this is not accurate, what compliance techniques or defensive actions do not require reporting?

--Provision 5 in this section details actions that are not considered to be uses of force. An example is unholstering a weapon or handling it. Can you walk us through this distinction? Are there any other actions or gestures that an officer or layperson could view as coercion or use of force that are *not* required to be reported?

According to the manual [p. 116], "*The Use of Force Report shall be used for internal statistical and analytical purposes only, and shall not be part of the incident or arrest file for the particular incident.*"

--Why is this information not part of the incident or arrest file?

--Is this information available to the public? If not, why?

Medical Attention & Needs

Regarding Medical Attention in connection with use of force [manual, p. 110], there seem to be subjective aspects that are up to the officer.

--Who deems that a person who has experienced use of force needs medical attention?

--If there are not visible obvious injuries, how does an officer decide that a person's request for medical attention is valid? [In other words, that the request is not a claim coming from an ulterior motive?]

Clarification will be helpful.

Mental Health and states of mind altered by substance use

Some of the most recent high-profile shootings by police around the country have involved individuals suffering a mental-health crisis, or simply behaving idiosyncratically on the street. A number of police interactions in Montague that required force were reported in the Mental Health category.

--How do you, as command staff, and the officers generally, understand the role of a police officer in addressing calls related to mental-health challenges, addiction, homelessness, or any similar situation?

--What are your policies and practices related to responding to "wellness check" calls involving mental-health concerns?

--What would an officer think that a person in a mental-health crisis needs?

--What are our officers' training, and experience, with mental-health symptoms, and presentations?

--For example, do they have an understanding of the physiological stress response within the autonomic nervous system?

-- Do some of our officers have counseling and/or addictions training and/or experience?

--Are some police officers EMTs?

--Referring back to the Use of Force policies, these include the use of physical techniques that can cause pain. Since compliance measures that can cause pain are authorized when a person does not cooperate with verbal instructions or persuasion by police, what is the policy when a person is non-responsive due to their mental state?

--What if someone is essentially unable to respond?

--Displaying a taser without deploying it is listed as a Use of Force in the Montague statistics, which made sense to the members of this committee. For a person with mental-health issues or a trauma background, showing a taser could be perceived as threatening and end up escalating a situation. What training do officers receive to mitigate this?

--What support do officers have from other public agencies in dealing with mental-health and altered-state events?

--In addition to EMTs from, for example, the Fire Dept. or an ambulance, does the MPD call upon social-service workers, addiction specialists, or other types of crisis intervenors?

--Can the officer(s) responding to a situation call in other resources directly, or must they request help through a supervisor or dispatcher?

--In your best-case hopes, what additional support, resources, and/or changes in your department's scope of services, would the police department want in order to optimally serve individuals who are experiencing a mental-health crisis, and others who are impacted?

--Is there anything else you would like to share with us on the department's policies and approach in handling these situations?

Training

The Montague Field Training & Evaluation Program Manual describes a range of tests, including constructed knowledge, scenario, and field-performance tests. Can this committee see any of the [blank] written or interview-type examinations? Can we look at source materials used to create tests and examinations of different kinds?

Clarifications & follow-up questions on information MPD has supplied to this committee

Because the police advisory groups are charged with examining the effects of local policing on various subgroups, this committee requested and received demographic statistics from the MPD showing racial and/or ethnicity of individuals who experienced Arrests, Uses of Force, and Traffic Stops. These questions may repeat some that Lt. Bonnett responded to this week in writing, but mainly follow up on the information you have provided in writing:

1. Do police officers ask individuals their race or ethnicity, or do they record it by observation?
2. In the arrest data for a small town, one or two individuals who are arrested multiple times can significantly skew the data. Should we be aware of this happening here?

3. Turners Falls seems to be the village with a significantly higher number of arrests than any other area. We would like to hear the police's perspective on this.

4. In the list of reasons for traffic stops, provided us with breakdowns by race, ethnicity, and gender and also by results of the stop such as getting a ticket, a written warning, or a verbal warning. Are you able to give us additional breakdowns showing the racial and ethnic breakdowns among those who received verbal warnings, written warnings, and tickets?

5. You provided to us and to the public the Montague Police Dept. Policies & Procedures manual. (*Thank you.*) Under the Uses of Force described in the manual, does every "compliance technique" result in an arrest? Does every "defensive action" result in an arrest?

6. Regarding the Montague Police Department Uses of Force statistics that you provided to us and to the public:

--In the various categories, such as Village, Race, Ethnicity, Age, Nature of Event, and type of Force Used, can you provide a resident/non-resident breakdown?

7. Can you provide breakdowns that would correlate the type of Force Used with the Nature of the Event? We are especially interested in what kinds of force were used in Mental Health events.

8. *Arrest Data:*

As we look at the arrest numbers from MPD, questions arise about the causes of the arrests.

--Is it possible to break down how many arrests were for behavior to which the MPD responded in real time? And to show other categories, such as warrants issued by courts for probation violations, failure to pay criminal or civil fines, failure to appear in court, ignoring a subpoena to testify in a case, etc.?

Policies & Procedures Updating & Resources

--How often are the MPD's written policies reviewed and revised?

--Many sections of the manual, perhaps all of it(?), were revised June 2020. Was this round of revisions connected with the issues surrounding policing that have surfaced nationally this year? If so, what did command staff feel you wanted to add or change in this larger context?

--When changes are made to policies and practices in Montague, in what ways are all members of the force, and employees such as dispatchers, engaged in either the process or in adoption of whatever is new?

--Are there specific sources the department often draws upon for templates or guidance? (For example, professional organizations, training centers, policy-development groups, academics, state or Federal agencies?)

--Is input for policies & procedures solicited and/or received from experts in psychology, statistics, or other relevant fields?

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Town of Montague Website:
www.montague-ma.gov

Other Supporting Documents:

MPD Policies & Procedures Manual.2020

https://www.montague-ma.gov/files/MPD_Policies__Procedures_Manual-2020.pdf

MPD Responses 1st Cttee – Questions

https://www.montague-ma.gov/files/MPD_Responses_1st_Cttee-_Questions.pdf

MPD Arrest Data 2017 – 2020

https://www.montague-ma.gov/files/MPD_Arrest_Data_2017_-_2020.pdf

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Montague Police Department Uses of Force

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020*</u>	<i>*as of 6/8</i>	<u>OOJ</u>	<u>Grand Total</u>
<u>Total Reportable Uses of Force</u>	11	26	16	8		2	63
<u>Shift</u>							
7a-3p	2	5	3	4		1	15
3p-11p	5	15	8	1		1	30
11p-7a	4	6	5	3		0	18
<u>Village</u>							
Turners Falls	9	20	13	6			48
Millers Falls	0	2	2	1			5
Montague City	0	1	0	0			1
Montague Center	1	1	0	0			2
Lake Pleasant	0	0	0	0			0
In Custody	1	2	1	1			5
<u>Race</u>							
American Indian/Alaska Native	0	0	0	0		0	0
Pacific Islander	0	0	0	0		0	0
Asian	0	0	0	0		0	0
Black	1	3	1	1		0	6
White	10	23	15	7		2	57
<u>Ethnicity</u>							
Hispanic	1	5	0	0		0	6
Non Hispanic	10	21	16	8		2	57
<u>Gender</u>							
Male	9	16	12	7		2	46
Female	2	10	4	1		0	17
Transgener	0	0	0	0		0	0
Unidentified	0	0	0	0		0	0
<u>Age</u>							
17 and Under	0	3	3	0		0	6
18 - 24	1	4	5	2		1	13
25 - 29	1	3	1	0		0	5
30 - 39	5	8	3	5		0	21
40 - 49	0	4	2	0		0	6
50 - 59	2	1	1	0		1	5
60 and Over	2	3	1	1		0	7

Force Used

Compliance Techniques	8	17	9	4	0	38
Defensive Tactics	1	1	2	1	0	5
OC Spray	1	4	2	2	0	9
Pepperball	0	0	0	0	0	0
Baton	0	0	0	0	0	0
TASER Display	0	4	2	0	1	7
TASER Drive Stun	1	0	1	0	0	2
TASER Deployment	0	0	0	1	0	1
K9 Apprehension	0	0	0	0	1	1
Firearm	0	0	0	0	0	0

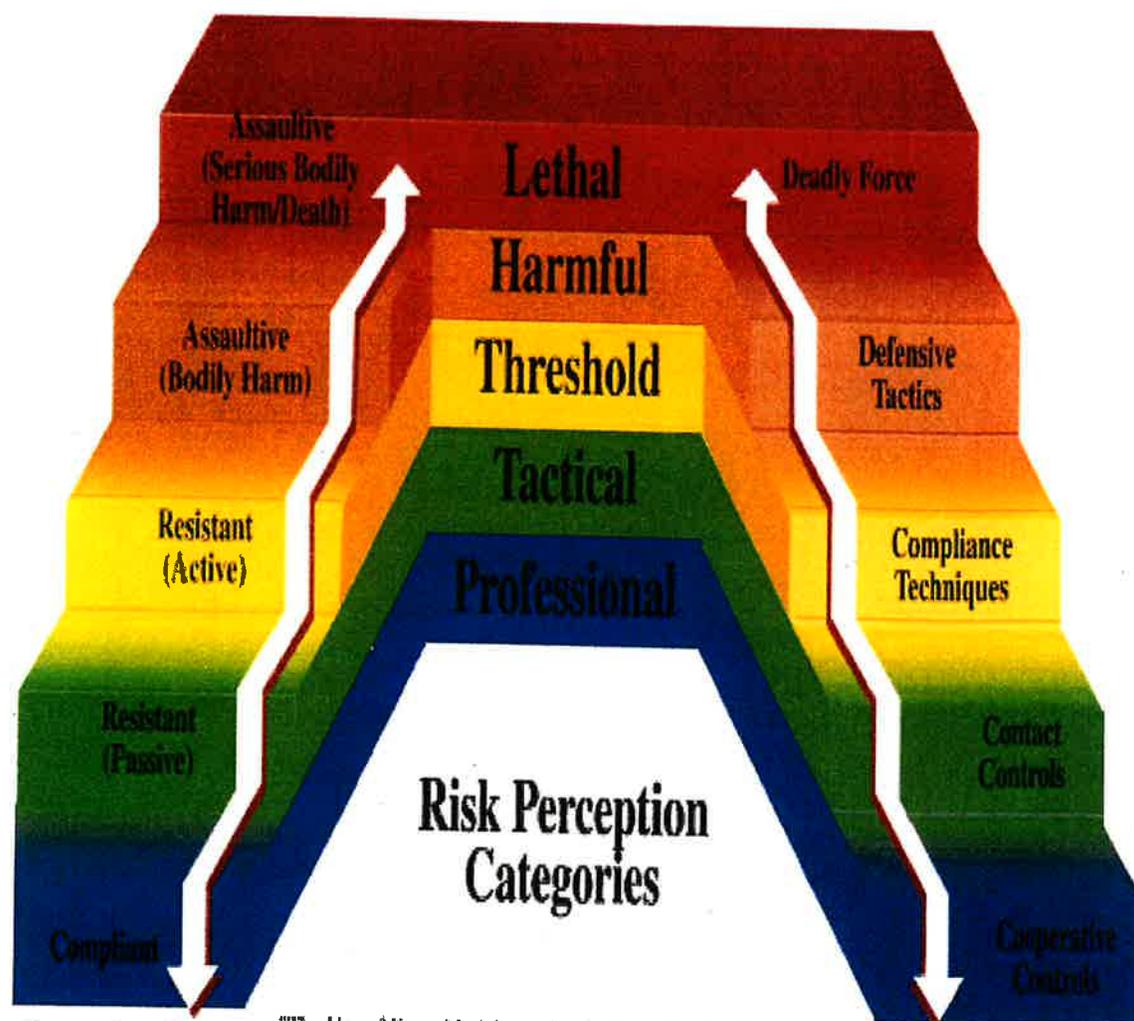
Injuries

None	11	26	16	7	1	61
Claimed	0	0	0	0	0	0
Minor	0	0	0	1	1	2
Major	0	0	0	0	0	0
Death	0	0	0	0	0	0

Nature of Event

Disturbance	2	5	2	3	0	12
Domestic	3	2	3	3	0	11
Mental Health	4	10	2	2	1	19
Protective Custody	1	3	1	0	0	5
Noncompliant Detainee	0	0	0	0	1	1
Noncompliant Prisoner	0	2	1	0	0	3
Motor Vehicle	0	1	2	0	0	3
Property Crime	0	0	0	0	0	0
Violent Crime	0	0	0	0	0	0
Resisting Arrest	0	0	4	0	0	4
Warrant	1	3	1	0	0	5
Other	0	0	0	0	0	0

USE OF FORCE MODEL



Subject Action Categories

"The Use of Force Model was developed by Dr. Franklin Graves, Federal Law Enforcement Training Center, and Professor Gregory J. Connor, University of Illinois Police Training Institute. Copyright 1997, G. Connor. All rights reserved. Used by permission."

Officer Respo Categories



Total Arrests and Resident Arrests in Montague (January 1 2017 – June 6 2020) Population 2019

Sources: Montague Police Department and American Community Survey

	<u>Arrests</u>	<u>Total</u>	<u>Resident Arrests</u>		<u>Pop.</u>	<u>2019</u>	<u>*Note</u>
	<u>Number</u>	<u>%Total</u>	<u>Total</u>	<u>%Res</u>	<u>Number</u>	<u>%</u>	<u>Category</u>
White	1100	89.43%	800	91.01%	7465	90.90%	Wonly
Black	121	9.84%	70	7.96%	131	1.60%	Bonly
Asian	7	0.57%	9	1.02%	123	1.50%	Aonly
Pacific	2	0.16%	0	0.00%	90	1.10%	NaAm
					246	3.00%	2ormore
Total	1230	100.00%	879	100.00%	8212	98.10%	Total

Resident Arrests

	<u>White</u>	<u>%Total</u>	<u>Black</u>	<u>%</u>	<u>Asian Pacific</u>	<u>%</u>	<u>Native Am.</u>	<u>%</u>	<u>Total</u>	<u>%</u>
2017 2017	216		15		3		0		234	
2018 2018	248		26		2		0		276	
2019 2019	238		24		2		0		264	
2020 2020	98		5		2		0		105	
	800	91.01%	70	7.96%	9	1.02%	0		879	

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Source: Montague Police Dept, Annual Data. 2017-2020 2020 is only to June 6 or 5+months

*Note: Racial identity as reported by the census does not precisely match the identities in the police reports. Police reports appear to reflect race as reported by arresting officer whereas census reports reflect identities as reported by individuals filling out census forms. The first four numbers and percentages in census rows are those who filled out only one category. The fifth row reflects those who reported two or more racial identities. Thus some of those who reported two or more could appear as, say "white" or "black" in the police reports.

The 2019 Community survey reported a population decline of about 3% to 8212. The "racial" percentages appear to be the same as the 2010 census. I have applied the latter percentages to the 2019 population estimate

The racial/ethnic totals do not add up to 100% in the ACS population report. I am attempting to find out why this is so from the census bureau, among other issues. I am also trying to learn more about the ACS methodology for estimating 2019 numbers. I suspect they project data from national surveys on to a town with the characteristics of Montague but we shall see.

Jeff Singleton 11-17-20
413-768-8167 singleton.jeff47@gmail.com

● **To the Equity and Use of Force Committee From Jeff Singleton 11-17-20**

Attached please find an excel sheet comparing the data on arrests with the percentage of racial or ethnic groups in Montague. My goal has been to get this on one relatively easy to read excel sheet. One of the problems is that the racial or ethnic categories are reported somewhat differently by the police department and census but I do not think this is catastrophic.

The arrest data is from the police department numbers sent to the equity committee It is for the period from January 1, 2017 to June 6 2020. The resident arrest numbers sent were annual so I added them up to be consistent with the total arrest data.

The census data is from the 2019 American Community Survey (ACS). I have been in touch with the census bureau to try to get a better understanding of where the 2019 numbers actually come from and what their methodology is but that is a work in progress. The racial/ethnic percentages do not add up to 100%. This may be an issue of how "hispanics" are counted or it may be that some respondents did not fill out a racial category. I used the 2019 ACS total population estimate but the racial/ethnic percentages appear to be from the 2010 census.

The identification of "race" in the police reports appears to be made by arresting officers whereas the percentages in the population are based on the categories in the census forms which are self reported. The latter has separate categories for white, black, Asian/Pacific and Native American "only" as opposed to those who checked off "two or more races." This is reflected in the last column of the spread sheet. It is certainly possible that those who self reported "two or more races" may have been identified by police as, say, white or black.

This uncertainty is unfortunate because I think all of us would like up-to-date population data to be more consistent with police data. And that is why the ACS was in fact created. I am continuing my dialogue with the census bureau and others on this.

That all said, it appears that the percentage of "black" arrests by these data sets is 9.84% of all arrests during the last three and a half years and 7.96% of all "resident arrests." The "black only" percentage of the population from the census is only 1.6%, although some identified as black by the police are probably in the "two or more" census category. One could argue that this is clear evidence of an extreme lack of equity or perhaps even "institutional racism". I understand that but would point out that...

1. There are relatively few blacks in the population so relatively small increase in total black arrests can produce very large percentage increases. There are also questions about multiple arrests of a few people.
2. The high percentage of black arrest could reflect social class and the neighborhoods where blacks live.. The response to this might be that there is still an equity or racism problem when such a high percent of African-Americans still find themselves in the working class and in low income neighborhoods so many years after slavery. This historical reality tends to be part of the definition of "institutional racism." But others would argue that the historical reality is hardly the fault of the Montague police department.

My personal opinion is that there are potentially different ways of interpreting the data, as there usually are, and the data is imperfect, as it usually is. But we should not throw the data out the window because it is absolutely central to any discussion of equity or institutional racism. Just my opinion of course.