

Police Study Group (PSG) – Thursday February 3, 2022 5:45 pm Virtual Meeting

Attending members: Select Board members: Melissa Makepeace-O'Neil, Chair

Town Administrator ex-officio member: Becky Torres

Acting Chief, Shutesbury Police Dept (SPD): Kristin Burgess

Finance Committee member: Susie Mosher

Personnel Board member: Melody Chartier

Community at large members: Cheryl Hayden, Mary Jo Johnson, Mike Vinskey

Absent: Rita Farrell – Select Board Member

General Public: Rachel Schwab-Rehorka, Gary Rehorka, Tim Logan, Jeff Lacy, Brigid Murphy, Justin Vezina, Paul DeMarco, Paul Vlach, Officer Nate Masse, Officer Taylor Beaudry, Denise Sawicki, Officer Linda Newcomb, Steve Sullivan, Jim Hemingway

The meeting convened at 5:50 pm

Reviewed the agenda

Public Comment: Susie Mosher thanked the police department for shoveling the front walk at town hall after the last snow storm. In the past Susie, (Town Clerk) and Becky, (Town Administrator) shoveled out and the police department helped occasionally. Pitching in to shovel the front walk that we all use and keeps the public safe, is an illustration of a community policing attitude.

Jeff Lacy was advised to bring comments about Acting Chief Kristin Burgess to the Select Board.

Justin Vezina expressed his support of the SPD as it is.

Minutes reviewed - Minutes from 1/20/22 were approved as amended.

Mike Vinskey withdrew his drafted minutes for 12/09/21. The 12/9/21 minutes as edited by Cheryl Hayden were approved as amended with a vote of 6 yes and one abstention.

Susie Mosher withdrew her initial draft of minutes from 12/23/21. The 2nd draft was approved.

Survey - The company hired to mail out the survey made the mistake of sending only one survey copy to each household instead of the required two. The company will get a second copy in the mail this weekend at no further charge for postage. The town will pay for the printing of the second copy. A note of explanation will accompany the second mailing as well as a town announcement via email. The cost has not been totaled yet. The surveys are coming in already. Cheryl volunteered to collate the data. Volunteers from town can be considered. There will be coordinated work session(s) in Town Hall. Until then the surveys are still sealed in secured storage.

PSG Report to Select Board - Melissa has drafted an outline, based on the charge from the Select Board (SB) with prompts to guide the PSG report to the SB. There will be appendices with tables of data that have been created and considered, lists of pros and cons, etc. A suggestion was made for individual members to respond to the prompts, avoiding the frustration of coming to agreement as a committee. Since the charge does not include making recommendations, passing along information should not be difficult. Members should look over the prompts and sign on to cover a portion. A review of the charge will focus the tasks left to address at future meetings. Drafted sections of the report will be sent to Melissa and Becky to compose a draft of the report. Mary Jo volunteered to write up the community policing part.

Data on Police Budgets from Franklin County Towns: Melissa collected the FY22 FRCOG police department data on nine more towns, adding to the comparative data we saw at our last meeting, (Shutesbury, Leverett, Pelham and Wendell). New Salem has not responded to inquiries. Shutesbury is in the high middle among the variation on square miles in each town. The use of a full-time chief was very consistent across the towns surveyed. The variable number of part-time officers may reflect staffing employed for road work details. The clarification of terms full time/part time, fully certified/not fully certified was reviewed. The salary of the chief also varies from town to town. Shutesbury's chief salary is on the low average side. Shutesbury's outgoing chief salary is comparable to the Leverett chief.

Locally Staffed Model - After a discussion, it was voted 6 – 1 to open a discussion regarding the renamed Locally Staffed Model, (formerly "On Call Model"). This document will be posted on the PSG webpage, as other documents have been. List of concerns/pros-cons; Mike will record the questions for future research and not respond to each point as it was raised at this meeting.

1. Don't the state laws and other policing agency structures require a designated Chief?
2. How would overtime be paid – likely to be overtime
3. The police culture across the country includes a supervisory, oversight role for the chief
4. Has this structure been used in other towns that could be examined?
5. This model is based on a premise that not much happens in Shutesbury, based on the data logs. This premise also may rely on comments made by past chiefs, who are not here to interview. Our current acting chief is providing a current picture of community policing in Shutesbury.
6. The first example of shifts that could be worked out by two officers shows each officer working from 3 – 11 pm then back on duty from 7 am – 3 pm. Being on call means the same officer needs to be prepared to come in if needed for the following shift a well.
7. The second staffing example shows 12 hour shifts (6am to 6 pm) for 3.5 days a week. One officer would have the weekend days. Overtime and labor laws are a concern
8. Neither staffing structure shows how to cover overlapping time for two officers to communicate, sick days, vacation times, reciprocal responses for mutual aid calls, aiding our on duty officer when needed, attending meetings with the SB, or give clear downtime for the officers' social lives, allowing for a work/life balance
9. A concern that officers working in such an isolated manner, without a supervisor, someone to answer to, someone to give advice or help, without a chain of command, is risky. For example, use of force incidents must be reported. Right now, our officers are on duty alone on a shift but have other officers to confer with and a chief to report to. Transparency is imperative to maintaining trust of the SPD
10. This on call model is sure to lead to burnout
11. The in-town residency requirement would be difficult to fulfill. A limited housing market in town (two Shutesbury houses priced at 369K or 880K currently available) shows how hard it would be to find an affordable house in a small town on an officer salary.
12. Officers are prohibited from using cannabis due to the Federal laws regarding use of cannabis and use of firearms
13. State labor laws are available to read at:
<https://www.mass.gov/info-details/massachusetts-law-about-hours-and-conditions-of-employment>

14. Questions about the intersection of a town contract and the Teamsters' Union that represents police unions. Shutesbury currently does not have any union members in the police department, but neither has the department decertified the union. Therefore, job structures would have to be reviewed in terms of impacting working conditions. Job advertisements cannot exclude officers interested in joining the union and new police hires cannot exclusively negotiate a contract with the town.

15. Gary Rehoraka: Would all changes in the SPD structure such as shared chief would have to be reviewed by the union? Paul DeMarco – The changes that impact the working conditions would have to be negotiated with the union.

16. There is an impulse to problem solve for any proposed structure. It is hard to find information rural policing. Studies are done on larger cities. Where would we look for resources for small rural towns? The Collins Institute is working on the Leverett-Wendell agreement. They could be hires as consultants. The South County study gave us a look at issues that arose under a couple of different models, although not an on-call model.

17. The pay rate figures need to be reexamined

Further research to answer the questions raised would require effort that would be unproductive if the model was not included in the report. A motion was made to include this model in the report to the SB. The motion was amended to read: Should we allow this model be included in the PSG report to the SB? Inclusion in the report is contingent on the model being legal in Massachusetts and is working somewhere else.

Further Discussion: Would this action require the other models being considered to undergo such idea development? It is in our charge to flesh out the proposals. We should not limit our proposals.

Jeff Lacy: Yes, it has to be legal, but creative ideas should not be stifled.

Linda Newcomb: The 24/7 on call model would produce burnout, doesn't work with the union, has raised concerns with the committee and should not be considered further
The motion passed as amended 5 -Yes and 2 -Nay

Jeff Lacy's letter, dated January 3, 2022: After Jeff gave a summary of the letter, the committee discussion included: We have been and are considering the models mentioned in the letter. No new information in the letter. The survey gives people an opportunity to express their opinions. The letter was very broad and that makes it hard to cover in a discussion. We need to review the charge to see what we have to do. We have to dig into the specifics for Shared Chief and Contracted services. We say we are exploring these ideas but we haven't gotten into the details. We have people we can invite to our meetings from Wendell and Leverett to get more information.

Gary Rehoraka: The letter was published on Next Door Shutesbury. The comments were personal attacks on Acting Chief Burgess. Not using the chief's title was disrespectful and sexist.

A reminder that the meeting time of 5:30 on Thursday is not convenient for some, but recordings and materials are posted on line for the public. Letters and comments from the public should be respectful and not personal.

Agenda for next meeting - Feb. 17 at 5:30 pm. Items include:

- *Review Shutesbury Police Chief job description; reflect on how chiefs have interpreted the job.
- *Questions drawn up to interview members of the current SPD; similar to a process with SFD
- *Leverett/Wendell won't share the details of their draft agreement that is under negotiation; we can have a list of questions prepared regarding the contacted services model
- *Identify parts of report members want to draft

Meeting adjourned at 8:05 pm. Minutes submitted by Susie Mosher.