

FINANCE COMMITTEE



To: Town Moderator and Town Meeting Members

From: Charlie Foskett

Date: November 14, 2020

Subject: Finance Committee Report on Arlington Police Department

Please find attached a report on the expenses and related activities of the Arlington Police Department prepared by Finance Committee members Christine Deshler (vice-chair), Darren Harmer and Jonathan Wallach.

TO: Arlington Finance Committee

FROM: Christine Deshler, Vice Chair
Darrel Harmer
Jonathan Wallach

RE: Arlington Police Department Review

DATE: October 28, 2020

Recent national and local events have caused many residents of Arlington to question current models of policing, decrying the increased “militarization” of the police, favoring a more community-based model of safety, support and prevention, and expressing a desire that the Town’s force better reflect and represent its diversity and values. Some have called for “defunding” the police department or even eliminating it entirely. Anticipating that Town Meeting Members would turn to the Finance Committee for guidance in making decisions concerning the police department budget, in July 2020, the Chair of the Finance Committee requested that Vice Chair, Christine Deshler and members Jonathan Wallach and Darrel Harmer conduct an in-depth survey of the police department.

The subcommittee met (virtually) several times throughout the summer and fall of 2020 and collected data from various sources, including from the Arlington Police Department itself. Throughout this process, the focus of the subcommittee was to determine the extent of the Department’s resources and to assess how those resources are currently being deployed. Its findings are discussed below. The subcommittee hopes that this report will help inform the Finance Committee in making its budget recommendations.

Certification of the Department.

The Arlington Police Department is fully accredited by the Massachusetts Police Accreditation Commission. It is currently undergoing a reaccreditation process, which occurs every three years. The Department became a Certified agency in 2008, one of the first police departments to do so. It became fully accredited in 2014.

Accreditation is a voluntary process, which requires the department to satisfactorily meet all 257 mandatory standards and at least 60% of 125 optional standards set by the Commission. These standards provide guidelines for the law enforcement professional as well as establish expectations for the delivery of police services to members of the community. These standards cover a number of areas such as policy development, emergency response planning, training, communications, property and evidence handling, use of force, vehicular pursuit, prisoner transportation, and holding facilities.

Human Resources.

Diversity

The Department is led by Juliann Flaherty, the town's first female police chief.

Although the Department is being led by a female police chief, there are no female captains, lieutenants or sergeants on the Arlington police force. Of the 61 FT sworn officers currently employed by the Department, only 6 (10%) are woman.¹

Like its lack of gender equality, the racial makeup of the Department lags behind the diversity of the Town. According to the 2010 U.S. Census Report, Hispanic and racial minorities comprise 16.4% of the Arlington population. (Of that 16.4%, 57% identify as Asian). Of the 61 FT sworn officers in the police department, only 4 (6.6%) are minorities (2 Black, 1 Asian, 1 Native American). The Department's civilian dispatchers and parking control officers are slightly more reflective of the town's diversity. Of the 9 dispatchers, 2 are female and 1 is Black. Of the 3 parking control officers, two are Black, one is female.

Efforts to diversify the police department are hampered by state law requiring that the Town hire only from the civil service list.² Even the Department's efforts to diversify its force by seeking to hire lateral officers have been unsuccessful because no officers have applied.

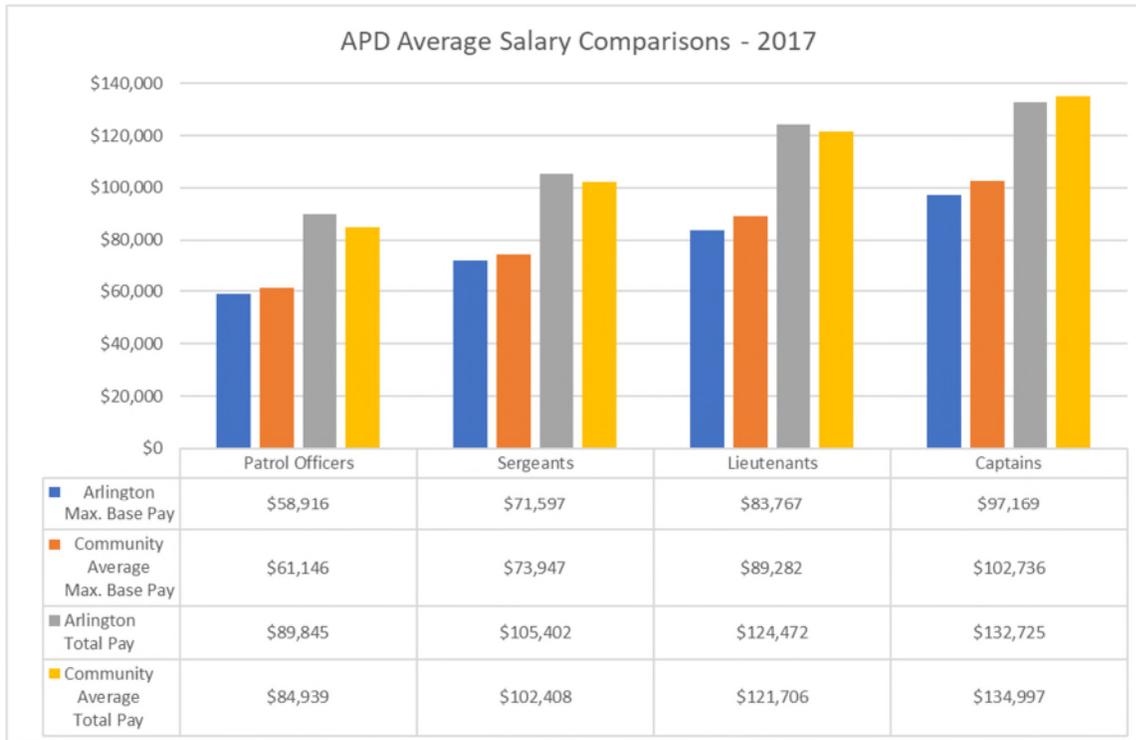
Salaries

According to a 2017 Town study, which attempted to compare Arlington's maximum base pay for patrol officers, sergeants, lieutenants and captains with those of comparable communities, Arlington's maximum pay is below average as shown in the following chart.

However, when longevity (at 25 years), education pay, holiday pay, night differential pay, clothing and cleaning allowances, and defibrillator pay, are factored in, Arlington's salaries exceed the averages as also shown below.

¹ According to national statistics compiled by the Bureau of Justice, women account for about 12% of all police officers, 10% of police supervisors, and only 3% of local police chiefs in the United States.

² Candidates must also successfully complete training at the police academy before being employed by the town.



The subcommittee cautions that this information may be out-of-date. At least one of the comparable communities, and possibly others, have renegotiated their police union contracts since 2017. The subcommittee has been informed that the Town has contracted with a vendor to conduct a new round of salary surveys for all positions across town, including but not limited to the police department. This study, however, is several months away from completion.

Training

In 2019, the Department sent employees to 19 different training programs. Approximately half of these programs provided training in fundamental crime and safety areas (i.e. active shooter training, report writing, Criminal Reform Act training, internet crimes against children training, use of force training, and others). The other half of these training programs addressed community policing, or diversity and bias issues (i.e. Cultural Diversity and Bias Training for Public Safety, Implicit Bias, LGBTQIA, suicide prevention, ADL Law Enforcement Seminar, Procedural Justice/Implicit Bias, Recognizing Symbols of Hate, and others).

These programs are in addition to firearms recertification, the 40 hours of in-service training the Municipal Police Training Committee requires for all sworn officers, breath-test certification, ethics training, and in-custody suicide prevention training, which are all mandatory.

The Police Chief is committed to continuing training programs in de-escalation, unconscious bias, fair and impartial policing, and mental health first aid. She has identified an additional training program that she (and the department's mental health clinician) would like all officers to

attend: Crisis Intervention Training. Such training is becoming increasingly important given the calls for services involving behavioral, mental health or substance abuse issues. (See below). The cost for such training is estimated to be approximately \$108,000.³

The Police Chief would also like to conduct an additional 8-hours of firearms training, to include de-escalation techniques. If conducted at night, which would be more useful to the Department, the cost of such training would be approximately \$35,000.

Operational Budget

Spending

The Police budget, at \$8.5 million (FY 21), is the town's 6th largest budget, after the Education (\$75.5 million), Capital (\$16.2 million), Insurance (\$18.8 million), Retirement (\$13.2 million), and Public Works and Facilities (\$12.3 million) budgets.⁴

The Police budget has increased on average 3.15% each year for the past 10 years, less than the 3.25-3.5% cap that the Town Manager has placed on all operating budgets in keeping with commitments made to voters in override campaigns during that period.

The chart below shows Police expenditures in Arlington compared to the Town's total expenditures from FY 2010 – FY 2019. APD's expenditures increased by approximately 32% over that time period but the Town's total expenditures increased by 62%. As a result, the APD's share of overall Town expenditures has actually decreased from 6.7% in FY 2010 to 5.4% in FY 2019.

³ The subcommittee understands that most of the Somerville police department is CIT trained.

⁴ This does not include the Water & Sewer Enterprise Fund budget at \$22.9 million. The 7th and 8th next largest budgets are the Fire budget at \$7.7 million and the Minuteman Regional School budget at \$6.1 million.

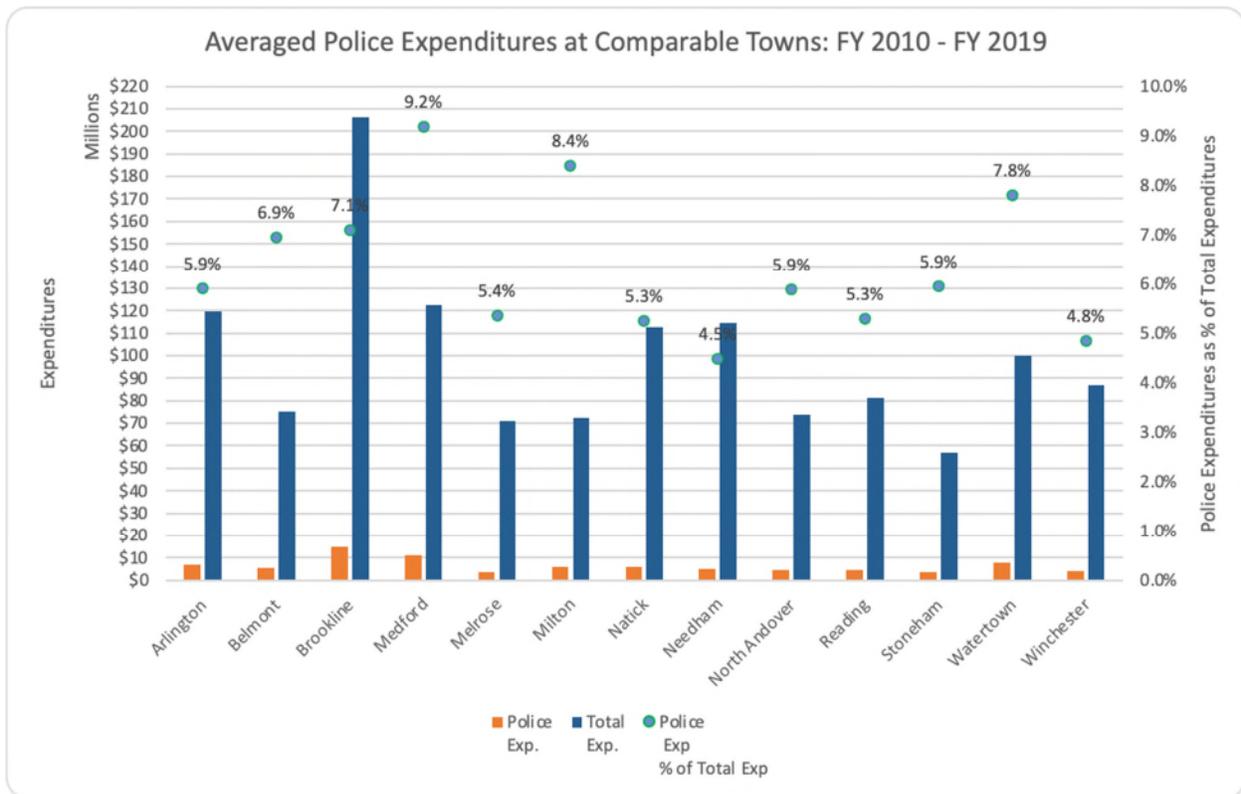


For that same 10-year period, overtime expenses for the Department increased on average 8% each year. The subcommittee determined that the major driver for this increase has been vacancies in budgeted positions, which are difficult to fill given the constraints of civil service as well as the candidates' own ability to successfully complete police academy training. Additionally, there have been several absences due to injuries or illnesses, requiring positions to be backfilled.⁵ Given minimum staffing requirements, it may be difficult to reduce overtime costs without filling positions.

Arlington ranks 12th out of 14 comparable communities in terms of per capita spending on police services.

Based on Commonwealth DOR Division of Local Services data averaged from FY 2010 – FY 2019, Arlington ranked 4th highest out of 13 comparable communities for police expenditures but 7th highest when comparing the police department's share of total expenditures in each community.

⁵ Overtime expenses are also incurred when extra patrols or investigations require it.



Number of Employees in the Department

Over the course of the past 10 years, the total number of positions budgeted in the police department has not increased dramatically. From FY 2011, the Department gained 1 captain, 1 lieutenant, 2 sergeants and 2 patrol officers.⁶ During the same time, the Department saw some reductions in the parking control officer and senior clerk positions.

Perhaps the most significant change in personnel has been the creation of a full-time social worker position. (See discussion of the Jail Diversion Program below).

Arlington ranks 11th out of 13 comparable communities in terms of the number of police department employees per capita. It ranks 7th out of 13 in the number of patrol officers employed on a per capita basis.

Capital Budget

Vehicles

The Department has 13 marked cruisers (including one prisoner transport vehicle, which is not included in the department's established replacement schedule). The Department also has 11

⁶ As a result of a reorganization of the Community Safety budget in FY 14, the salaries of the police chief and administrative and support staff, including dispatchers, were moved into the police department budget.

unmarked cars; 2 “drug cars” used by the Drug Enforcement Unit; 4 Harley Davidson motorcycles; 1 Smart traffic car; 1 animal control vehicle; and 2 utility trailers.

Marked cruisers are in constant use 24/7/365. The Department’s practice is to replace these vehicles every three years. This has been the Department’s practice for 25 years, although for a brief period during Chief Ryan’s tenure there was an effort to extend the replacement period to every 4-5 years. However, the Department found that doing this increased the frequency of vehicles being out of service which then degraded response time, increased repair costs, and reduced vehicle trade-in value. Consequently, the Department reverted to its established practice of replacing cruisers every 3 years.

The Department’s Master Mechanic believes that it is the practice of most police departments in New England to replace their vehicles every 3 to 4 years.

The Department’s unmarked cars, which are not used as much as marked cruisers, are kept longer than 3 years.

At this time, a reliable fully electric police-certified vehicle is not available for purchase. The Department anticipates revisiting the idea of purchasing an electric vehicle in 2022. The Department will not commit to purchasing an electric vehicle unless it is satisfied that such a vehicle can reliably serve the Arlington community.

Vests

Every officer is issued a level 2 or 2a vest while in the academy. Each officer is responsible for caring for the vest. The vests are replaced every 5 years in accordance with the Massachusetts Police Accreditation Commission and National Institute of Justice guidelines, as well as manufacturer recommendations.

All officers are required to wear their vest whenever they are in uniform. The type of vest employed in Arlington is not a “military-styled” vest, but rather a more discreet vest that blends in with the officer’s uniform. This type of vest is commonly used in departments throughout New England, but is less common in the rest of the country.

The written vest policy was adopted by both unions and has allowed the Department to be eligible for grant money from the federal Department of Justice.

In addition to an officer’s personal vest, each marked vehicle is equipped with a level 3 ballistic vest, which is intended for use when the threat is greater than normal. Such vests would be worn in situations where officers are responding to active shooters or where the community is threatened with high-powered weapons. These vests are also replaced every 5 years in accordance with established guidelines.

Firearms

The Department does not have a written firearm replacement policy. Firearms are replaced every 10 years in accordance with both the manufacturer's recommendations and national standards.

The Department is currently issuing Glock 45s to officers, as recommended by the FBI.

The Department also has 6 .223 long rifles; 3 shotguns; 3 "beanbag" shotguns; and 2 smooth bore 410 shotguns ("varmint rifles"). None of these are military grade or have any specialized modifications.

Patrol rifles and shotguns are stored in marked vehicles in a locked rack. They are deployed only when an officer needs to create distance between the threat and the officer, such as in an active shooter situation, a bank robbery, or a hostage situation. The less lethal firearms are also stored in locked racks in marked vehicles and are also deployed to keep distance between the threat and the officer or community. An example would be when there is an armed person with a knife. All officers are trained in de-escalation techniques. The varmint guns are obviously used only for the purpose of euthanizing sick or injured animals.

Military Equipment

The Department does not participate, and has never participated, in the 1033 Program (which transfers excess military equipment to civilian law enforcement agencies). It does not have armored vehicles, military grade firearms, grenades or explosives, or any other type of military equipment. The Department does own 6 ballistic helmets that were purchased 30+ years ago but have not been deployed in the last 25 years or perhaps, ever. The Department does not have or use "stun guns" or tasers.

To the extent the Town ever needs military-grade equipment, heavy arms, or other such equipment in an extreme emergency, they are available to the Town as a member of the Northeastern Massachusetts Law Enforcement Council, discussed below.

Partnerships and Other Resources Available to the Department.

The Department applies for and has received the state's 911 Support and Incentive Grant. This grant can be used for equipment and other support related to the 911 call center. The Department has also applied for and received the state's 911 Training Grant which supplements the yearly required dispatch certifications and trainings.

The Department has a full-time police officer assigned to a task force within the Drug Enforcement Administration and the Federal Bureau of Investigation. The Department is reimbursed approximately \$18,000 for each officer to supplement any overtime the officers are required to work.

In return, the Department benefits from the resources received by both agencies. As part of the FBI Task Force, the Town takes advantage of trainings offered at no cost. The FBI recently came to Arlington and provided Alert Active Shooter Training, which saved thousands of dollars for the Department. In addition, the Department has taken advantage of other resources from the FBI, including personnel and equipment. For example, the FBI recently provided equipment, at no cost, to the Town to ensure the security of outside ballot boxes. The FBI has also assisted in the Department's investigation into the Human Trafficking of employees of massage parlors and spas in town.

As part of the DEA Task Force, the Town receives a percentage of all asset forfeitures when the Arlington officer assigned to the task force is involved. The Department also takes full advantage of all investigatory personnel and equipment made available by the Task Force to assist the Department in any drug investigations in town. According to Chief Flaherty, Arlington is seen as a leader in the fight against opioids and depends on this task force for assistance in that fight.

Arlington is also a member of the Northeastern Massachusetts Law Enforcement Council (NEMLEC), a consortium of police departments in Middlesex and Essex Counties, including the two County Sheriff's Departments. Members share resources and personnel, thereby collectively providing services and equipment to each other than might not be available to one agency. This means that officers from NEMLEC's many agencies can be made available to other communities during an emergency or an event that requires police services beyond what local police may have. NEMLEC coordinates this sharing of personnel and resources. Responding officers that report to provide mutual aid are under the complete control of, and follow all commands given by, the local chief of the department that requests services.

Arlington has 4 officers who are part of NEMLEC and have different functions within their assignments. For example, one officer provides support services for the NEMLEC communication van. Another officer is part of the motorcycle unit and responds to callouts for assistance with funerals, parades, and other large-scale events. The Department recently called the motorcycle unit out for assistance with the AHS Caravan Graduation Ride. They were able to provide assistance with traffic as the Department did not have the personnel available to provide safe temporary road closures. They also provided an escort and traffic assistance for a missing POW who was returned home to Arlington and laid to rest after 65 years last summer.

NEMLEC also has a SWAT team and Rapid Response Team that assist with critical incidents and are available for missing person searches (including children or elderly who have wandered off). They have also assisted with road closures for Arlington's Patriots Day Parade and Town Day. They are available to assist with critical incidents involving barricaded persons, high risk warrants service and hostage situations. Arlington, like most communities, does not have the personnel, training or equipment to handle critical incidents such as these on its own. Being a NEMLEC member gives the APD full access to all the organization's resources which saves the Town from having to provide specialized training and purchase expensive equipment that is likely rarely needed.

Pressures/Constraints/Stressors

Crime

For the 11-year period from 2009 to 2019, the number of Part 1 Crimes⁷ in Arlington declined dramatically by over 49% (634 to 322).

Many of the calls for services (CFS) do not involve crimes. Over 20% of the CFS are for medical assistance, including mental illness, as well as for issues related to homelessness. Over 11% of the CFS are in response to motor vehicle crashes or parking complaints. Neighbor disputes and disturbances account for 3.5% of the CFS. Animal control responds to 3% of the CFS.

The Department employs an in-house crime analyst, who is also a part-time dispatcher. The analyst can search a database to track past crime reports, although this is a time-consuming task. The subcommittee was provided with a map showing where a year's worth of 911 calls originated. Of these 1,111 calls received, approximately 23% originated in Sector 5 (roughly, the northwest Turkey Hill area), another 23% originated in Sector 3 (the Morningside/Stratton area), 16.7% originated in Sector 6 (the Park Circle/Poets Corner area), 13.7% originated in Sector 1 (East Arlington, north of Mass. Ave); 13% originated in Sector 2 (East Arlington/Spys Pond area); and 10.5% originated in Sector 4 (Menotomy Rocks area).

According to the Department, the most significant crime trend being detected now are scams, including identity theft.

COVID-19

Since March 2020, the Department has spent approximately \$65,000 on personnel and operating expenses related to the COVID-19 pandemic. This includes the purchasing of PPE, cleaning services and other costs associated with the Family Cares Act and needed quarantines.

Because of the closure of courts and the reliance on videoconferencing for arraignments, the Department experienced an increase in the amount of time offenders were in custody. Consequently, officers were encouraged not to make arrests where possible and, instead, to issue summonses to offenders to appear in court. Arrests continue to be made for serious crimes, warrants and all domestic-related assault and batteries.

Community Policing Issues.

Community Programs

The Department is actively engaged in a number of community programs, including Rape Aggression Defense classes, "Coffee with a Cop", the Arlington Citizens Police Academy, youth programs, and more. The reader can refer to the Town's [Annual Report](#) or the [APD's website](#) for more information about this additional work that officers do for the town.

⁷ This includes such serious crimes as murder, rape, robbery, aggravated assault, burglary, larcenies, and arson.

Social Worker and the Jail Diversion Program

The Department created the Jail Diversion Program in 2010 to create alternatives to arrest and jail detention for individuals who could benefit from mental health, substance abuse or other social services. At the time, this was a unique program that other departments across the country have since adopted.

Previously, officers were forced to either transport the individual to the nearest hospital emergency room or take the individual into custody for a minor criminal offense. Now, with the Jail Diversion Program, a social worker joins officers on mental health-related calls as a co-response team. The social worker assists in stabilizing the scene by utilizing de-escalation techniques and providing victim assistance, while the officers focus on maintaining a safe, secure scene. At the scene, the team determines the best approach to the individual. If a crime has been committed, an assessment is made as to whether the individual is appropriate to divert from arrest into treatment. If diverted, or if no crime has been committed, the social worker works with the individual to identify needs, connect the person to hospital or community-based treatment and arranges for continued follow-up.

Since 2010, the program has been expanded to include a Hoarding Team, a nationally recognized Opiate Overdose Outreach Initiative, and a Homeless Outreach Team. The Department's Jail Diversion Program has been nationally recognized by the Justice Center Council of State Governments as one of ten Law Enforcement Mental Health learning sites; police departments from around the country come to Arlington to learn about its program.

Given the success of the program and the continuing community need for such services 24/7/365, the Police Chief has expressed a desire to add an additional social worker to the Department.

Review of Potential Liabilities.

Use of Force

The Department has an extensive and detailed written Use of Force policy, including hand control. Officers who use force are required to file a "use of force report" immediately with their supervisor. At the end of the year, all "use of force reports" are reviewed by a Committee on Use of Force.

In the past 5 years (including 2020 to-date), there were, on average, 5 "use of force reports" filed each year. The majority of these events involved hand control. For 2020 to-date, there have been 5 "use of force reports" filed. Of those 5, 4 involved hand control and of those 4, 3 involved encounters with individual with behavioral issues.

Within at least the past 10 years, there have been **no** complaints alleging excessive use of force by any officer of the Department.

Bias and Discrimination

Within at least the past 5 years, the Department has received only **2** complaints of bias by officers. The first, which occurred approximately 5 years ago, was investigated and determined to be unfounded. The investigation of the second complaint filed in February 2020, is ongoing. The Department is continuing to work with the Human Rights Commission to resolve that matter.