



Committee on Public Safety & Neighborhoods

April 21, 2016– 7:04 PM - **Minutes**
Chambers of the City Council, City Hall, Room 214

MEETING: COMMITTEE ON PUBLIC SAFETY & NEIGHBORHOODS

DATE: APRIL 21, 2016

TIME: 7:04 P.M.

PLACE: TABER MILL APARTMENTS COMMUNITY ROOM. 217 DEANE STREET, NEW BEDFORD, MA 02746

PRESENT: COUNCILLORS DEBORA COELHO, CHAIRPERSON; IAN ABREU; HENRY BOUSQUET; NAOMI CARNEY; JOSEPH LOPES; STEVEN MARTINS; LINDA MORAD; DANA REBEIRO

ABSENT: COUNCILLORS BRIAN GOMES, VICE-CHAIRMAN; JAMES OLIVEIRA; KERRY WINTERSON

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Councillor Coelho called the Public Safety Committee Meeting to order and took attendance. The Clerk read Communications from Councillors Oliveira and Winteron explaining their absences from the meeting. Councillor Martins made a motion to receive and place them on file, which was seconded by Councillor Lopes.

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Councillor Coelho announced the start of Citizens Input Time for anyone who wished to speak on any subject they were interested in; but no one signed up.

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Notice, City Clerk of reference of a Written Motion, Councillor Coelho, despite the new data released by the New Bedford Police Department to the public, claiming between January 01, 2015 to July 31, 2015, the streets of New Bedford are safer and crime is down in every category, requesting, that the Chief of Police or a representative from the Police Department be invited to attend a Committee on Public Safety and Neighborhoods meeting to review said data with the Council and provide a breakdown of the crime statistics in each neighborhood (Ref'd 10/8/15) was received and placed on file by Councillor Morad and seconded by Councillor Lopes. (1)

Police Captain Joe Cordeiro was present and addressed the Committee. The statistics show that crime is down in the city, it is more successful in different parts of the city than others. Thought the city is not crime free, the needle towards improvement is pointing in our favor, it is however hard to breakdown by districts. Violent crimes are down by 14%, property crimes by 8% and breaking and entering is down by 14%. The success is due to targeting impact players, known people who are creating most of the havoc. What is helping these numbers is that the police are building better neighborhood relationships.

Captain Cordeiro was asked how many Officers are on a shift and how does the Police Department prioritize responding to calls. He responded that the busiest shift is the 4-12 shifts, the other two shifts are 12 -8 and 8- 4. When a call comes into the 911 call center it is prioritized by the call taker. For instance if you call in with a heart attack, that call is bumped to the top of the response list. If you are calling about a dog barking it

would not be a priority. Though it may be a priority to the caller, something like a heart attack would of course be the priority.

He was then asked if robberies, aggravated assaults and b & e, larceny, are all those numbers combined. He responded that some are. It can be broken down by demographics; he can get the Committee a breakdown on that. Robbery is tied to violent crimes. B & E is tied into robberies and the cause of most B & E and aggravated assaults is in the end, money for drugs. People like seniors are seen as easy targets and should take precautions when walking in a neighborhood or shopping, or even heading to the car from shopping at any store. Nationally the elderly, women and children are the victims of aggravated assault.

Captain Cordeiro was then asked how many crimes go unreported each year. He told them the amount of unreported crime is miniscule, though some people do take matters into their own hands, especially if they know who is responsible for the crime. The Police do not recommend that people do this.

Captain Cordeiro was then asked what outside law enforcement agencies help the New Bedford Police Department. He responded that local resources include the District Attorney's Office, The DEA, ICE, State Police, FBI and Homeland Security. The benefits of their involvement are we are using their expertise and it is not costing the city anything. It is also helpful in having criminals charged federally which contributes to longer jail sentences.

The next question, are the different tools in the city like the Shot Spotter and cameras helping law enforcement. He responded that cameras are very important in the city and are helping. It records incidents and that film can be used in helping the DA prosecute cases. He is a big fan of cameras. The Shot Spotters do a good job as well, though it does not record the activity and by the time an Officer responds, the activity may be over and the people have left the scene. Cameras are the way to go.

On motion by Councillor Martins and seconded by Councillor Abreu, the Committee VOTED: To take "No Further Action" on this matter at this time. This motion passed on a voice vote.

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Notice, City Clerk of reference of a Written Motion, Councillor Gomes, requesting, once more that the Committees on Ordinances and Public Safety and Neighborhoods meet with Acting Police Chief David Lizotte, a Representative from Massachusetts State Police in Dartmouth, City Solicitor McDermott, and Legal Council Gerwatowski, to discuss the best legal action that can be taken immediately and collectively against panhandling on the City Streets, businesses and highways, which has become a real problem for the Police Officers, residents and tourists (Ref'd 2/11/16) was received and placed on file by Councillor Martins and seconded by Councillor Lopes. (2)

Police Captain Joe Cordeiro was present to address the Committee on this issue with panhandling.

Councillor Martins asked Captain Cordeiro to give the perspective of the New Bedford Police Department as it relates to the panhandling issue that the City Council is trying to put an end to but keeps hitting roadblocks and that in their end there is really nothing the city can do about it, legally.

Captain Cordeiro stated that there are State laws in effect that if a panhandler is breaking the Police can enforce; but even the State laws are being challenged in court. The city has a no loitering law on the books they were enforcing but had to stop it because it is being challenged in the Courts now. The answer is a simple one, stop giving money. If you stop giving money then there is no need for a panhandler to remain in an area. It is unfortunately blight on the city and does not represent who we are as a community. There are organizations that service the homeless and if you want to give you should give to those types of organizations. Panhandling also centers on addiction, by giving money to those begging for it is not helpful.

The Committee expressed their concern on aggressive begging, banging on car windows for money.

Captain Cordeiro informed the Committee that aggressive begging can be considered an assault especially if they touch a person. This type of an offence can be addressed by the Police.

Attorney David Gerwatowski, Legal Counsel to the City Council was present and addressed the Committee. He gave an overview of how panhandling laws are being challenged and how you cannot really stop the activity. The Courts have ruled that panhandling is a form of free speech and is protected under the United States Constitution. Government cannot put an end to the activity. He explained that though the Council is frustrated with the activity, legally their hands are tied.

City Solicitor Mikaela McDermott gave an overview of the city's position as a whole. She explained that laws similar to the one the city had adopted towards loitering and the one the Council was working on towards panhandling are constantly being challenged by the ACLU. Some Law firms are charging up to \$800 an hour and Panhandling is a unique situation; three (3) laws in the State have been struck down three (3) times by the Courts. There is not much the city can do as it relates to panhandling.

The Committee asked about sign that say you cannot stand on a median between 7 am and 9 pm, they were told Portland, ME had a similar case and that was shot down as well by the Courts. The down side is when a Court case is shot down, the ACLU as a part of the ruling will seek out payment for legal fees incurred and the Courts find in their favor. The City of Worcester is currently sitting on a payment of nearly one million dollars in legal fees approved by the Courts. They are3 currently challenging it. Although the Council's intent is well intentioned and understandable, legally there is nothing the city can do towards creating an Ordinance that would prevent panhandling.

On motion by Councillor Bousquet and seconded by Councillor Abreu, the Committee VOTED: To take "No Further Action" on this matter at this time. This motion passed on a voice vote.

Councillor Abreu made a motion to adjourn, which was seconded by Councillor Lopes.

This meeting adjourned @ 8:39 p.m.

ATTEST:

Clerk of Committees