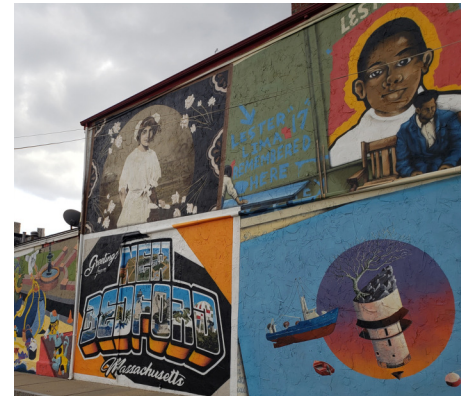


We are the Prey

Racial Profiling and Policing of Youth in New Bedford



“Whenever the police are around, it’s like a hunting ground for them. They are the predators and we are the prey. Sometimes they just post up and watch for hours. . . They have cameras everywhere. The angles they can’t get, they patrol in person.”

New Bedford Youth

TABLE OF CONTENTS

EXECUTIVE SUMMARY	2
INTRODUCTION	4
Why focus on New Bedford police policy and practice?	4
Methodology and Data Sets	5
KEY FINDINGS	6
Finding 1 Police in New Bedford operate in a policy vacuum concerning field interrogations, stop and frisk, and gang identification.....	6
Finding 2 Police interactions in New Bedford are geographically clustered in poor, non-white neighborhoods, suggesting racial bias in policing.....	9
Finding 3 Black and Hispanic individuals are wildly over-policed in New Bedford	12
Finding 4 A small number of officers drive police stops, and these officers overwhelmingly stop New Bedford residents and visitors of color	13
Finding 5 Police stops skew heavily on young people, and in the middle of the night.....	15
Finding 6 Many police stops occur close to public housing and public schools.....	18
Finding 7 NBPD’s gang database is over-represented with Black and Latino young men, though the city lacks a meaningful policy, making gang identification a subjective act.	20
Finding 8 NBPD exhibits an internal culture of racial insensitivity.....	22
RECOMMENDATIONS	25
Priority recommendations by youth with NBPD interactions	25
Addressing the over-policing of neighborhoods of color and of Black and Latinx residents (Findings 2 and 3)	25
Addressing the small number of officers driving police stops (Finding 4)	26
Addressing the use of a database of “verified” gang members in New Bedford that skews heavily on young people of color (Findings 1 and 7)	26
Addressing NBPD’s culture of racial insensitivity (Finding 8).....	27
QUESTIONS FOR FURTHER INQUIRY AND RESEARCH	29
APPENDIX: NEW BEDFORD POLICE DEPARTMENT SAMPLE GANG ASSESSMENT CRITERIA SHEET	30

EXECUTIVE SUMMARY

The New Bedford Police Department reports incidents involving young people of color at disproportionate rates that are shocking in a white majority city. Additionally, there are patterns of over-policing lower-income neighborhoods, both formally and informally, as police officers are encouraged to live in public housing by rents that are discounted far below that of other residents and communities of color bearing the brunt of frequent stops and interrogations by the NBPD. The NBPD maintains a database of residents it alleges are gang affiliated, the majority of whom are young men of color. Though criteria are subjective, inclusion on the database is used as a pretext to violate the rights of listed people and, they report, their families as well. A handful of officers account for almost half of the incidents involving Black and Latinx residents. Like most departments, NBPD operates on a seniority system that makes it difficult for younger recruits to object to biased behavior – even against themselves when they are people of color.

Citizens for Juvenile Justice (CfJJ) obtained the information in this report through police department data, interviews with stakeholders in New Bedford, and media accounts. Key facts include:

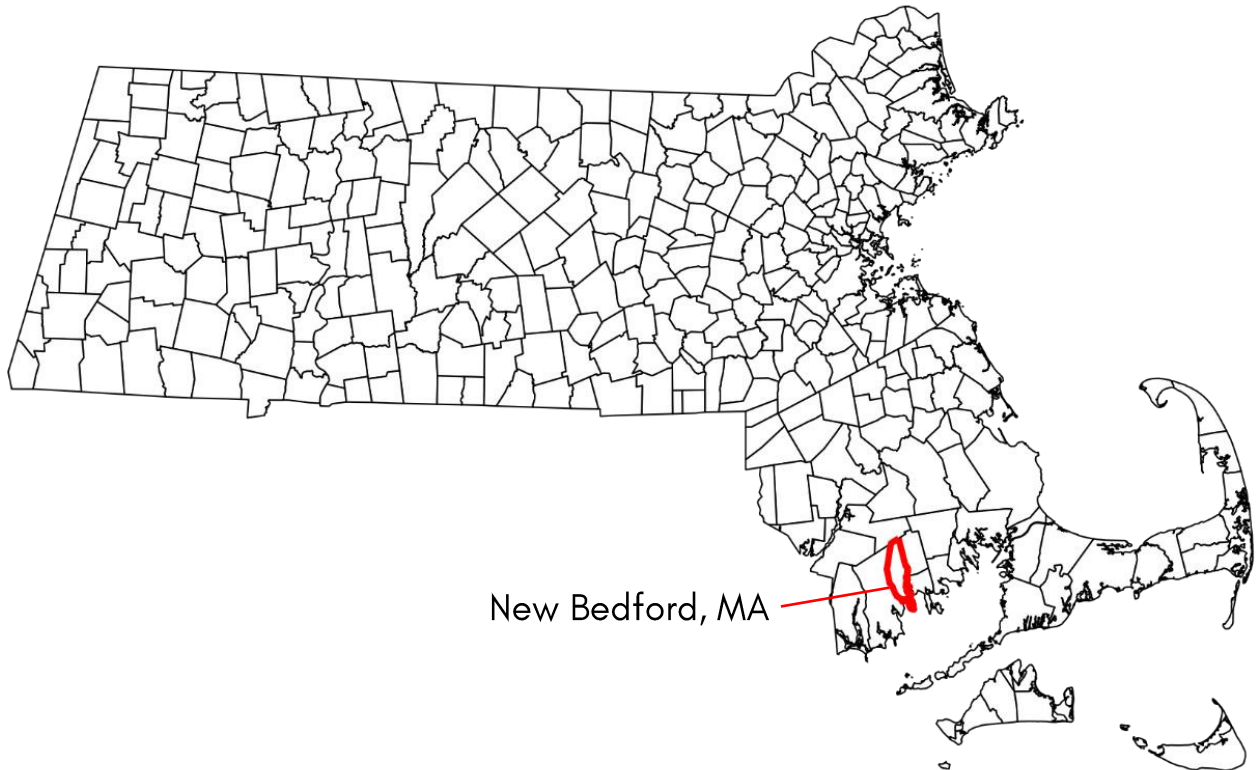
- **Despite constituting under 7% of the New Bedford population, African-Americans represented greater than 46% of all police incidents from 2015 through June 2020.**
- **Black people are over 21 times more likely to be on the gang list than white people; among New Bedford residents on that list, Blacks are more than 27 times as likely to be on the list.**
- **Ten officers were involved in nearly 46% of all incidents. These officers mainly stopped Black or Latinx people.**
- **Five officers reported on 47% of all incidents concerning minor children under 18, as well as slightly over 47% all interactions with anyone under the age of 20.**

The report contains recommendations from CfJJ and from New Bedford youth to reform policing in the city. These include:

- **Implement a racial profiling policy that defines racial profiling as a law enforcement officer's reliance – to any degree – on a person's race to**

determine whom to target for law enforcement action. That affirms that racial profiling is unconstitutional and that it undermines effective policing.

- **Discontinue the practice of having police officers living virtually rent-free in/near public housing.**
- **Stop compiling and utilizing such a database that is overwhelmingly populated by youth of color. The Massachusetts Legislature should consider legislation that limits the use of gang databases, and requires means of identification, notification, and facility to appeal such designation.**
- **The school superintendent should respond to demands from advocates and members of Black and brown communities and remove school resource officers from New Bedford Public Schools.**



INTRODUCTION

Incidents of abhorrent police violence across the nation and the Commonwealth led to a major public outcry for racial justice and greater police accountability in 2020. Racial profiling remains a major precursor to the type of police brutality we have seen play out across our screens in recent years, and includes overt, overzealous targeting and surveillance of Black and brown citizens by law enforcement. Given that profiling is a major root cause of police abuse, it is important to look at data underlying encounters between police and citizens to identify biased behavior by law enforcement in Massachusetts cities and towns and expose practices that disproportionately target and impact vulnerable communities.

This report presents data concerning incidents between police officers and civilians as well as the “verified gang member” list in New Bedford, Massachusetts. Among other findings, the report establishes (1) that racial disparities exist in police practice, (2) that these disparities parallel a culture of racism in the police department, and that (3) a relatively small number of officers are driving police stops. Indeed the 10 most prolific officers are responsible for more than 45% of all police stops from 2015–June 2020. Ultimately, the data tell a story of young people’s racially disparate interactions with police in New Bedford and reflect the impact of police policy and practice in the areas of over-policing of certain neighborhoods of color and gang identification, as well as an internal culture of racial insensitivity at the Police Department.

Why focus on New Bedford police policy and practice?

New Bedford Police killed 15 year old Malcolm Gracia in 2012, though his family only [received a settlement](#)¹ from the city in 2020 after [organizing](#)² to demand justice for police behavior many deemed a cover up. Multi-day BLM protests in June 2020 led by teens and young adults highlighted ongoing racial tensions in New Bedford, mirroring those happening across the Commonwealth and around the country. Finally, a deep dive into New Bedford police practice sits firmly at the intersection of Citizens for Juvenile Justice (CfJJ)’s interests in police accountability (as the front door to the juvenile justice system), the (mis-)use of

¹ City settles Malcolm Gracia suit for \$500K, South Coast Today, February 25, 2020.

<https://www.southcoasttoday.com/news/20200225/-update--city-settles-malcolm-gracia-suit-for-500k>

² 'An impactful moment': New Bedford protests brought activists together to push for change, South Coast Today, December 28, 2020. <https://www.southcoasttoday.com/story/news/local/2020/12/28/new-bedford-protests-organizers-push-change-committed-long-term-black-lives-matter-malcolm-gracia/4015288001/>

gang databases, a focus on race equity, and a history of compiling and analyzing data affecting children and young people. While CfJJ is a state-wide organization, we aim to equip local stakeholders with data and policy analysis to advance progressive policy and practice reforms in favor of developmentally appropriate responses to young people.

After briefly describing the dataset, this report presents an analysis of police interaction and gang database policies and practice in New Bedford with a series of findings, then discusses the troubling internal culture at the NBPD, and ends with recommendations.

Methodology and Data Sets

This report analyzes two data sets and accompanying policies that were the result of public records request to the New Bedford Police Department (NBPD) during calendar year 2020. First, the report presents a dataset of 4,997 police “field incident reports” in New Bedford from January 2015 – June 2020. “Field incidents reports” include police encounters with the public including stop and frisk, interrogations, as well as officer’s observations, which may not include an encounter. While CfJJ had requested stop and frisk data, NBPD claims not to specifically collect stop and frisk/field interrogation data. Hence, this data includes stop and frisk stops, *as well as* other police observations. Second, the report provides an analysis of a (de-identified) dataset of the 613 individuals on New Bedford “Verified Gang Member” list as of October 2020, and considers that group’s demographics including race/ethnicity, age and gender. Finally, this report relies on key informant interviews with young people in New Bedford, as well as local youth workers and advocates.

CfJJ reached out to the New Bedford Police Chief asking for comment. CfJJ received no response as of the date of the publication of this report.

KEY FINDINGS

After a brief policy analysis, this section of the report first presents trends of police interactions with the public (“field incidents”) analyzing (1) geography/location of police-civilian interactions, (2) demographics of those stopped, including race, sex, and age of civilians (specifically those involving minor children (under the age of 18) and older youth (age 18-20)), and (3) time of day of stops. Later sections analyze the demographics of the list of so-called ‘verified’ gang members used by NBPD, and discuss the toxic culture of race relations from within the department.

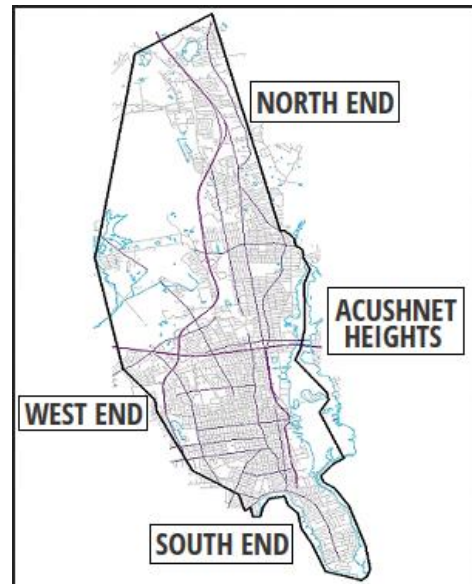


Figure 1. New Bedford neighborhoods.
Source: City of New Bedford

Finding 1 | Police in New Bedford operate in a policy vacuum concerning field interrogations, stop and frisk, and gang identification

NBPD has neither a formal field interrogation policy nor a gang identification policy, despite significant operations in both of these issue areas.

Field interrogation/Stop and Frisk

The NBPD does not have a specific field interrogation policy, but rather relies on a two-page directive of the [“High Energy Patrol Initiative”](#)³ from January 26, 2006. This directive “ask[s] each [officer] to increase. . . activity in engaging persons that you find in your patrol sectors through the use of any legal means to deter criminal conduct.” The primary goal of the efforts is to “find those illegally carrying weapons, arresting [sic] them and removing those weapons and individuals from our neighborhoods.” The policy “remind[s] commanding officers that they are responsible for implementing a strategy of zero tolerance to gun violence through the use of directed neighborhood-safety patrols” and should use tactics including “threshold inquiries, field interviews, motor vehicle stops, warrant checks,

³ Available at <https://data.aclum.org/wp-content/uploads/2018/08/NBP-Directive-re-High-Energy-Patrol-Initiative-1-15-13-response.pdf>

and street encounters.” These tactics are to be increased between the hours of 10:00 p.m. and 5:00 a.m. Officers are meant to approach individuals they encounter to “question them concerning their activities” in order to “generate information that leads up the ladder to a circumstance in which reasonable suspicion is developed and further action on the part of officers is warranted.” The directive acknowledges that these tactics “can be perceived by some as a means of police harassment or intimidation conducted in a discriminatory manner against groups or individuals” and that supervisors are encouraged to participate to “ensure[e] that procedural compliance occurs.”

Gang identification

The NBPD utilizes a point system to assess whether a person’s activity rises to the level of “gang member.” The assessment criteria require 10 points and are attached as an annex to this report. However, items on the list include highly subjective criteria. The department does not have a written policy that (1) indicates how people are identified as being gang involved or affiliated, (2) provides standards for notifying individuals that they have been identified, or (3) provides a process for appealing such a determination or requesting removal from the gang list.

The police’s use of lists/databases of so-called “verified” gang members is concerning, given the subjective nature of the information collected, the lack of due process around getting onto such a list, and the real criminal and [immigration](#)⁴ consequences of being on the list. We do not wish to suggest that a gang identification policy *alone* would provide adequate protections against the targeted misuse of the practice. Because Safe and Successful Youth Initiative funding becomes available to the district attorney’s office and police as the gang list grows, the current law provides an incentive to err on the side of including youth on this list, despite the harm this may cause to them.

Reform efforts in 2020 on use of force

NBPD has shown that it can mobilize internally to make some policy changes in the face of sustained community pressure. NBPD faced a reckoning concerning its use of force policy and practice in 2020. Following five consecutive days of [community-led protests](#)

⁴ Immigration Officials Use Secretive Gang Databases to Deny Migrant Asylum Claims, ProPublica, July 8, 2019. <https://www.propublica.org/article/immigration-officials-use-secretive-gang-databases-to-deny-migrant-asylum-claims>

[denouncing police brutality](#)⁵ in May and June 2020, New Bedford Mayor Jon Mitchell announced the creation of the [New Bedford Commission on the Police Use of Force Policies](#).⁶ The commission met in closed sessions for six months to review the department's policies and released recommendations in December 2020. Out of twenty-three recommendations, the final report included fifteen changes that were directly related to use of force policies.

Community members criticized the private nature of the commission's meetings and condemned the proceedings for lacking transparency and representation from directly impacted community members. Breathe!, a New Bedford grassroots movement, believes that ["the commission failed to effectively outreach, educate, and inform the community on the meeting's agenda and goals."](#)⁷ Since the [commission avoided answering questions](#)⁸ in a public, community-wide meeting, the grassroots organization awaits answers from Mayor Jon Mitchell on questions concerning the demographic make-up of the commission, the criteria for the selection of commission members, the ties of commission members to police unions, among others. Community organizers identified the need for an independent and fully funded oversight board with subpoena power. The oversight board would be charged with reinforcing accountability and protecting the community from a ["racist ecosystem of police policies and the organizational culture that gets built alongside it."](#)⁷

⁵ New Bedford Protest Against Systemic Racism, Police Brutality Marks Fifth Consecutive Day, WCAI, June 4, 2020. <https://www.capeandislands.org/news/2020-06-04/new-bedford-protest-against-systemic-racism-police-brutality-marks-fifth-consecutive-day#stream/0>

⁶ 2020 New Bedford Commission on NBPD Use of Force Policies, New Bedford Police Department. <https://www.newbedfordpd.com/new-bedford-commission-on-nbpd-use-of-force-policies/>

⁷ Opinion: BREATHE! response to 60-Day Report from New Bedford's Mayor Mitchell's Commissions on Police Use of Force, New Bedford Guide, September 27, 2020. <https://www.newbedfordguide.com/breathe-response-report-mayor-mitchells-police-use-force/2020/09/27>

⁸ New Bedford holds virtual public forum on police reform...and it doesn't go well, The Public's Radio, August 27, 2020. <https://thepublicsradio.org/article/new-bedford-holds-virtual-public-forum-on-police-reform-and-it-doesnt-go-well>

Finding 2 | Police interactions in New Bedford are geographically clustered in poor, non-white neighborhoods, suggesting racial bias in policing

The NBPD essentially operates as an occupying force in poor neighborhoods of color. There are some neighborhoods with majority white residents, where the police simply do not stop many people, as the maps below indicate. Each dot in figure 2 represents a field incident report. These were grouped by census “block group” in figure 3. A large concentration of reports filed in Acushnet Heights and the South End neighborhoods of New Bedford.

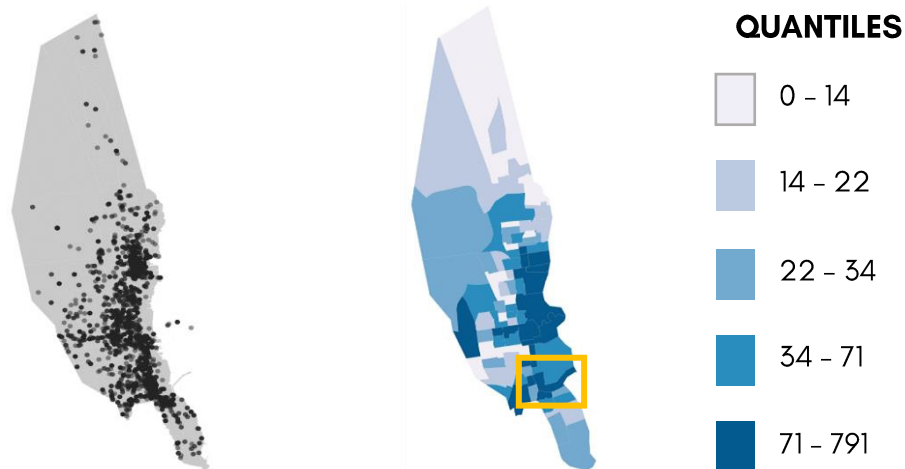


Figure 2. Overall Field Interrogation Reports (2015–June 2020).

Figure 3. Maps of field incident reports by census block (2015–June 2020).

The census block⁹ in the yellow box (see figure 3) had the highest number of field incident reports filed at 791. The median income in this block ranges from \$30,723 to \$40,324 and the population is predominantly Hispanic (50.26%).

Young people, both minor children age under 18 and those age 18–20, are stopped in the same neighborhoods of color as their older counterparts (see figure 4). Further, figure 5 controls for population of each census block group in New Bedford, showing how frequently field incident reports were filed relative to the population in that area. The scale on the right represents incidents per capita: so, from 2015 through the pertinent time

⁹ Census block group 250056526002

in 2020, the one neighborhood which is particularly dark red had approximately one field incident report for every two residents. That one 'block group' also had by far the most incidents in the entire city in absolute terms, showing that New Bedford police pay particular attention to people passing through that area.

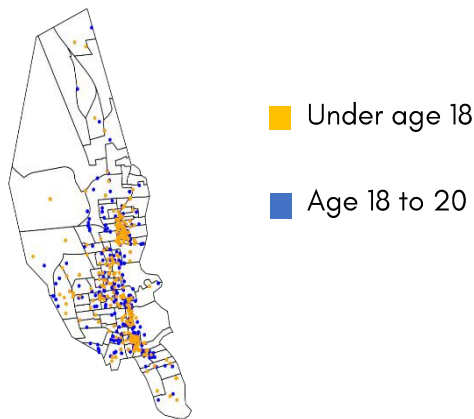


Figure 4. Locations of Field Incident Reports involving youth aged 20 and younger

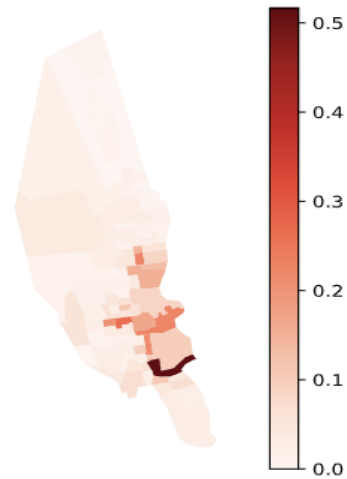


Figure 5. Field incident reports per capita in New Bedford by census block group. Population data source: IPUMS NHGIS, University of Minnesota, www.nhgis.org

That particular neighborhood, Massachusetts Census Tract 6526, had a median household income of \$43,405 in 2019 (according to the American Community Survey), slightly below the city's average of \$46,321.

Finally, there is a perception from some youth that many NBPD officers have families living in one part of the city, and therefore "kids in [that area] are not targeted as much" for police stops. As one young person said, "The police protect kids in one end, and stoke flames in the other end."

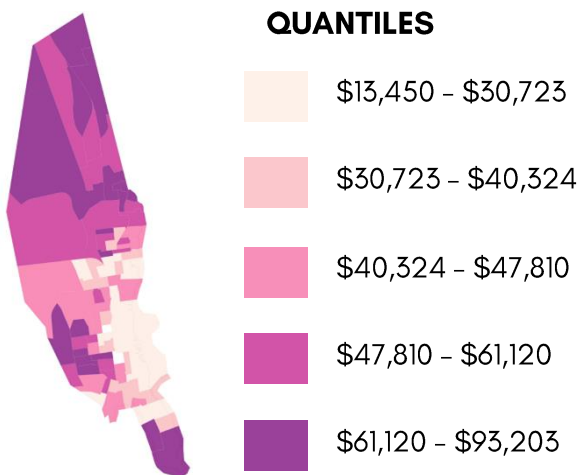


Figure 6. Map of New Bedford median income

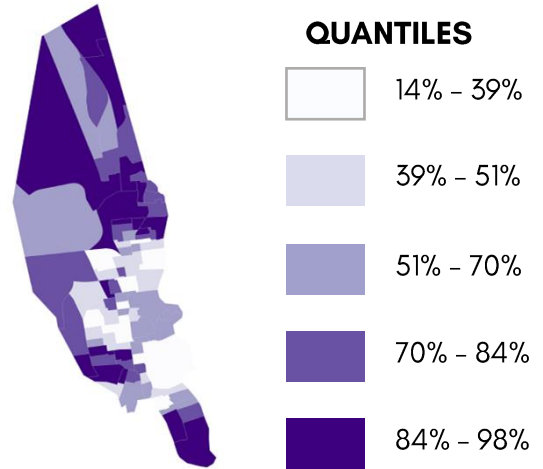


Figure 7. Map of New Bedford percent white population

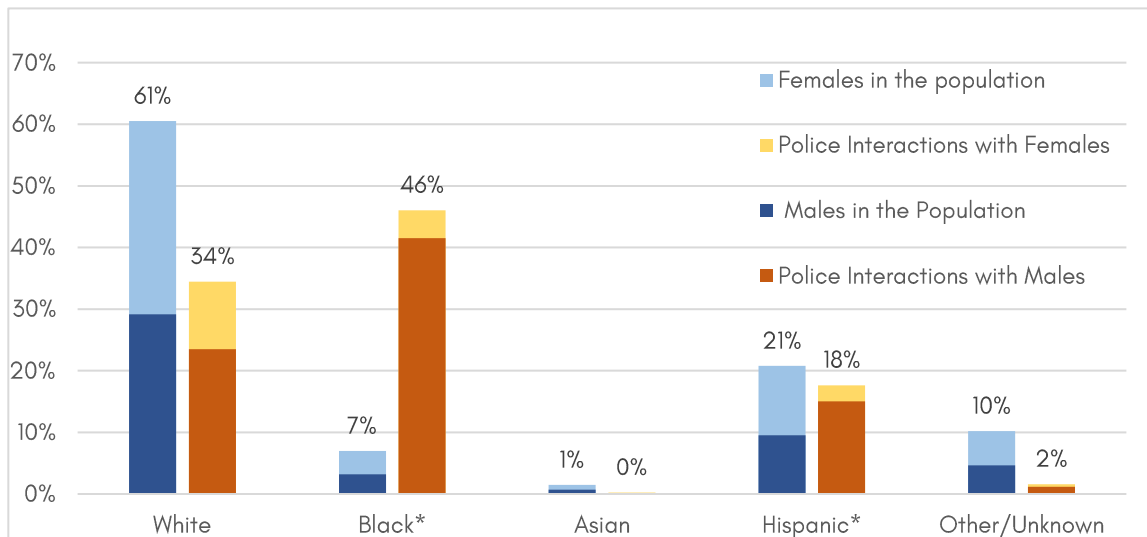


Figure 8. Overall demographics of New Bedford, compared with demographics of police stops.

Note 1: Gender per race of general population estimated using overall New Bedford demographics.¹⁰ Note 2: For police incident analysis, Black Hispanic individuals are counted as Black.

¹⁰ Source: <https://www.census.gov/quickfacts/fact/table/newbedfordcitymassachusetts/PST045219>

Demographics of youth arrests, statewide and by selected cities

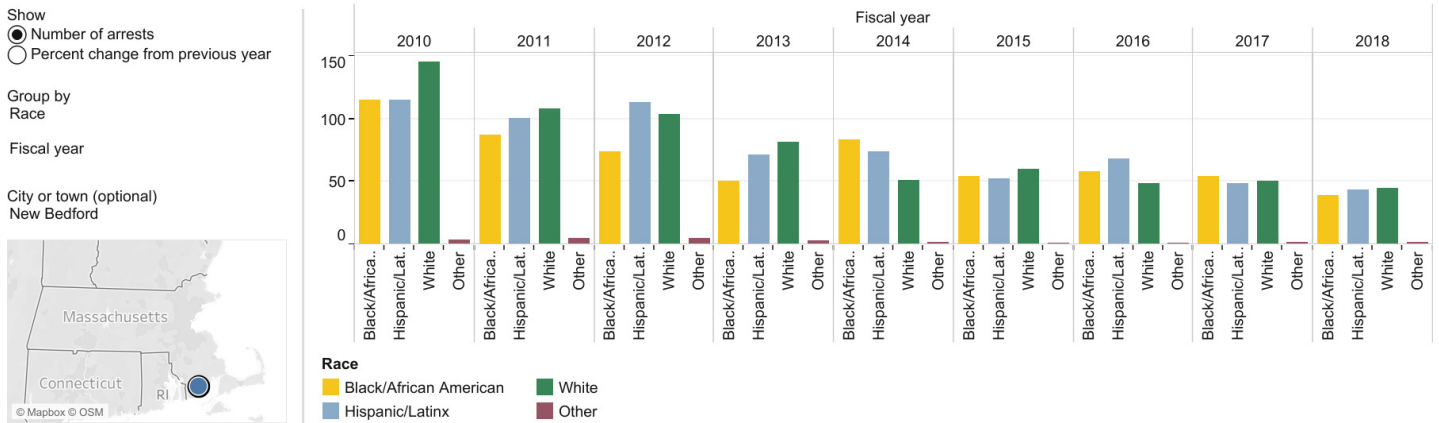


Figure 9. New Bedford juvenile arrest rates by race/ethnicity showing faster decline for white youth¹¹

Finding 3 | Black and Hispanic individuals are wildly over-policed in New Bedford

Analysis of the New Bedford data of police field incidents shows that Black and Hispanic individuals are overrepresented based on their respective population sizes. **Despite constituting under 7% of the New Bedford population, Black individuals (including those identified as either Hispanic or non-Hispanic) represented greater than 46% of the police incidents (2,299 individuals out of 4,997) from 2015 through June 2020.** For context, Black people are nearly **13 times more likely** to be stopped by a police officer than their white counterparts. Non-Black Hispanics are slightly underrepresented, making up nearly 18% of individuals stopped (881 people) while accounting for less than 21% of the population. However, non-Black Hispanics are still just over twice as likely to be involved in police-related

“Some of us started [experiencing police surveillance] at a young age, and over time, that is trauma. The trauma that has built up over time. The trauma also causes some of us to act out.”

-- New Bedford Young Person

¹¹ Juvenile Justice Policy and Data Board, Massachusetts Juvenile Justice System: Data and Outcomes for Youth, Data About Youth Arrests, <https://www.mass.gov/info-details/data-about-youth-arrests>

incidents as whites. The chart above (figure 8) summarize demographic data in the city of New Bedford at left, and police incident data by race.

Race/ethnicity data from police interactions are generally derived from the officer's perceptions of the race of the individual. In other words, if the officer thinks that a person is Black, the officer will write that in the field report. This "officer identification" data collection process is different than a "self-identification" process used by Massachusetts Probation Service when doing an intake for the MassCourts data system, wherein the individual is asked to identify their race and ethnicity.¹²

These patterns of intrusive police encounters create a harmful environment that is likely damaging to the mental health of children and youth of color in New Bedford. Research has shown that young men in cities who "reported more police contact also reported more trauma and anxiety symptoms, associations tied to how many stops they reported, the intrusiveness of the encounters, and their perceptions of police fairness."¹³

While juvenile arrests have decreased significantly in New Bedford over the last decade, arrests have fallen faster for white youth than for Black and Latinx youth, as shown in the below graphic copied from the Office of the Child Advocate's new [data dashboard](#)¹⁴ page on youth arrests.

Finding 4 | A small number of officers drive police stops, and these officers overwhelmingly stop New Bedford residents and visitors of color

To gain a deeper sense of who the specific police officers are that engage in many of these incidents, we conducted an analysis of the most "prolific" officers to see which officers filed the most field incident reports. The following table includes statistics concerning the ten most active officers in New Bedford over the past half-decade.

¹² For more specific recommendations on collection and reporting of race and ethnicity data in the juvenile justice system, see the Office of the Child Advocate's Juvenile Justice System 2020 Annual Report, at page 74. <https://www.mass.gov/doc/jjpad-board-2020-annual-report-0/download>

¹³ Geller, A., Fagan, J., Tyler, T., & Link, B. G. (2014). Aggressive policing and the mental health of young urban men. *American journal of public health*, 104 (12), 2321-2327. <https://doi.org/10.2105/AJPH.2014.302046>
Aggressive Policing and the Mental Health of Young Urban Men.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4232139/>

¹⁴ Available at <https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>

Most Prolific New Bedford Police Officers

Officer Name	Number of Professional Standards Complaints ¹⁵	Number of Incidents	Salary (2019, unless noted) ¹⁶	Percentage of Incidents Involving Black Civilians	Percentage of Incidents involving Hispanic Civilians	Percentage of Incidents Involving Black or Hispanic Civilians
Roberto DaCunha	1	459	\$100,902	66%	18%	84%
Brian Rei	3	305	\$110,956	62%	17%	79%
Lorenzo Gonzalez	1	299	\$128,228	58%	24%	83%
Gene Fortes	0	266	\$122,252	60%	17%	77%
Clint Medas	0	241	\$27,106 (2016) ¹⁷	63%	22%	84%
Jorge Santos	0	194	\$76,072	21%	18%	39%
Pedro Moco	0	161	\$149,949	51%	22%	73%
Samuel Algarin-Mojica	0	148	\$79,428	52%	26%	78%
Jason Orlando	0	120	\$105,211	46%	13%	59%
Nathaniel Goncalo	1	96	\$65,902	49%	15%	64%

The ten officers in the above data frame were involved in nearly 46% of all incidents, a tremendous percentage given that a total of 186 different officers were involved in at least one incident during the time span. Moreover, the fraction of incidents that involved Black civilians was higher than the general African American makeup of the dataset (about 46%) for eight of the ten officers. The data frame also allows for us to compare the salaries of these prolific officers to the average salary of New Bedford police

¹⁵ Source for professional standard complaints is NBPD “Professional Standards Case Files” spreadsheet available at https://drive.google.com/file/d/1_b3NUMZJqrAKtCevIXmnf0TZGUwDREOn/view?usp=sharing

¹⁶ Source: GovSalaries (<https://govsalaries.com/salaries/MA/city-of-new-bedford>)

¹⁷ Medas left the New Bedford Police Department in 2016.

officers and city employees. Indeed, the [mean salary](#)¹⁸ for these officers was about \$83,777 from the years 2016 through 2018, whereas the [typical salary](#)¹⁸ for a city police patrol officer as of September 2020 was \$60,458, and the [average salary](#)¹⁹ for a city employee in New Bedford was \$49,841. The relatively high salaries for these employees compared to other city employees may be an indication of their length of time on the force, and possibly the use of overtime, though we do not have data on overtime. These are all possible areas of follow up research.

The high prevalence of the gang unit targeting and profiling young people seems to erode the very trust they claim to seek to build and is counterbalanced by a sense among some in the community that the unit isn't as present to prevent crime and they need to be. One youth worker stated, "In the last week, there was a shooting every single day. The gang unit is not anywhere to be found."

We understand that many of the names listed above are from the former NBPD "gang unit," which changed staffing in June 2018. The current gang unit is reportedly now partnering more with the narcotics unit. Detective DaCunha, the officer with the greatest number of reported incidents, was named in the wrongful death lawsuit after the 2011 killing of Erick Aguilar while in custody of NBPD.²⁰

Finding 5 | Police stops skew heavily on young people, and in the middle of the night

Age analysis

In addition to an analysis of race and time, we analyzed incidents by certain age groups. Based on the age distribution for all incidents shown in Figure 10, it is clear that police file incident reports for interactions with young people age 18 to 24. Young people age 18-20 account for nearly 17% of total incidents. An analysis of the data would find that

¹⁸ What is the average police salary for New Bedford, MA. <https://www1.salary.com/MA/New-Bedford/Police-Salary.html>

¹⁹ City of New Bedford Salaries. <https://govsalaries.com/salaries/MA/city-of-new-bedford#:~:text=City%20of%20New%20Bedford%20Salaries,percent%20lower%20than%20USA%20median>

²⁰ See <http://www.civil-rights-law.com/blog/2012/10/2/our-firm-filed-a-wrongful-death-lawsuit-filed-against-five-n.html> for details, and a link to the civil complaint.

five officers (Algarin-Mojica, DaCunha, Fortes, Gonzalez, Medas, and Rei) reported on more than 47% of all incidents concerning the 18-20 age group.

Police interact with children under age 18 as well. Children make up 11.5% of all incidents, mostly between ages 14-17. The same five officers also reported on 47% of all incidents concerning children under 18, as well as slightly over 47% all interactions with anyone under the age of 20.

Police are clearly targeting young Black males, which leads to over-criminalization of this population, and feeds into mass incarceration. In 2020, for instance, Black people, who only made up 7% of the New Bedford population, accounted for over 17% of all criminal charges²¹ in New Bedford.

Time of day analysis

Further, we analyzed the incidents by the time of day in which they occurred (figure 11). It is clear that police filed field incident reports with more frequency towards the night time, with a peak between 12:00 a.m. (midnight) and 2:00 a.m., and a second smaller peak between 5:00 and 6:00 p.m. This perhaps reflects the High Energy Patrol Initiative policy that prioritizes stops between 10:00 p.m. and 5:00 a.m. It could also be that young men of color who are outside after 10:00 p.m. are automatically considered “suspicious” and “worthy” of police interaction. This latter interpretation would not represent constitutional policing practice.

²¹ Source: <https://www.mass.gov/doc/2020-charge-data>

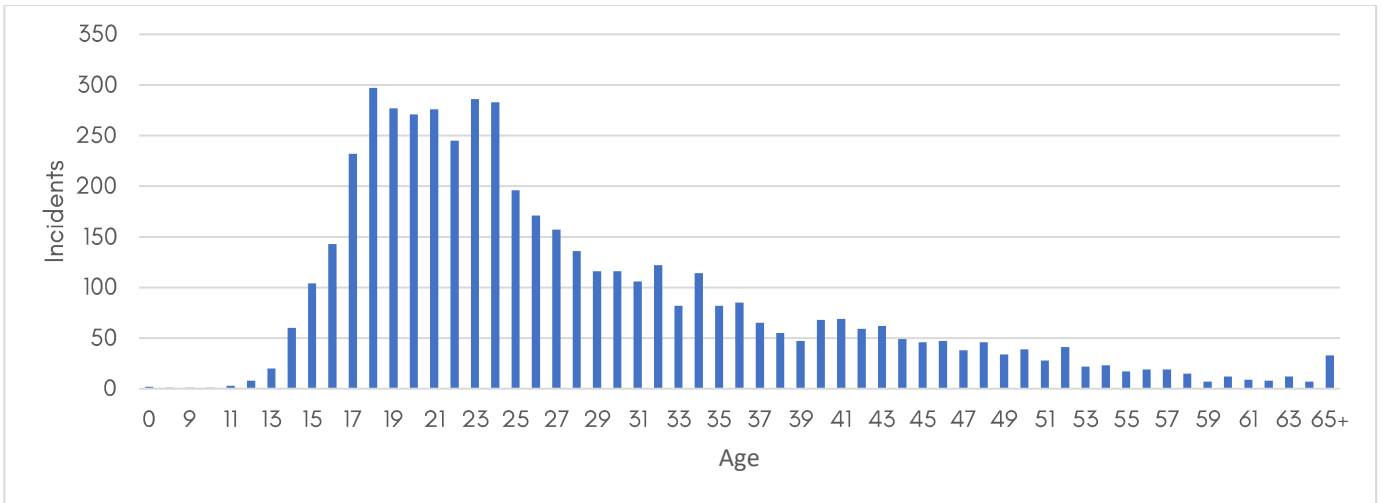


Figure 10. Age distribution of police field incident reports in New Bedford

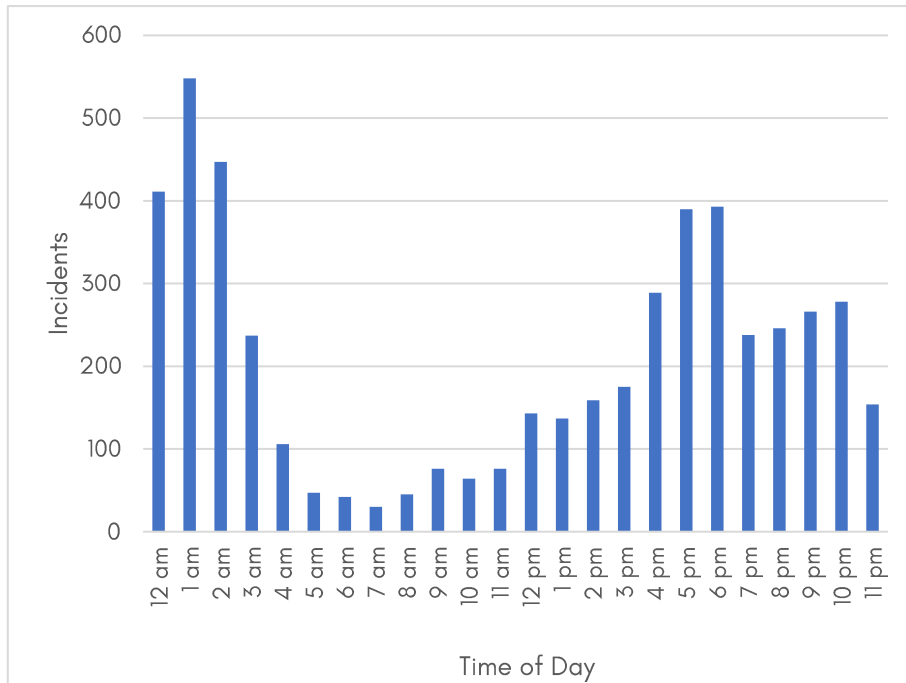


Figure 11. Time of day of New Bedford police field incident reports

Finding 6 | Many police stops occur close to public housing and public schools

An investigation into the relationship between locations of field incident reports and public housing properties in New Bedford show that four public housing properties featured particularly high numbers of incidents occurring very close to them, including three locations which are all quite close to one another.

Figure 12 shows in the background blue color that most of the police stops performed in New Bedford are occurring in the southern region of the city and that four public housing properties each had at least 50 incident reports filed within a 0.1 mile radius. Overall, we found that 13.6% of field incident reports transpired within 0.1 mile of a public housing property, and 55.8% occurred within 0.25 miles of public housing.

It should be noted that for more than a decade, NBPD officers have lived virtually rent-free (apparently \$25 per month, including utilities) in several public housing units. A number of individuals that we spoke to cited this fact and stated that this dynamic adds to the feeling of constant surveillance felt by residents in public housing.

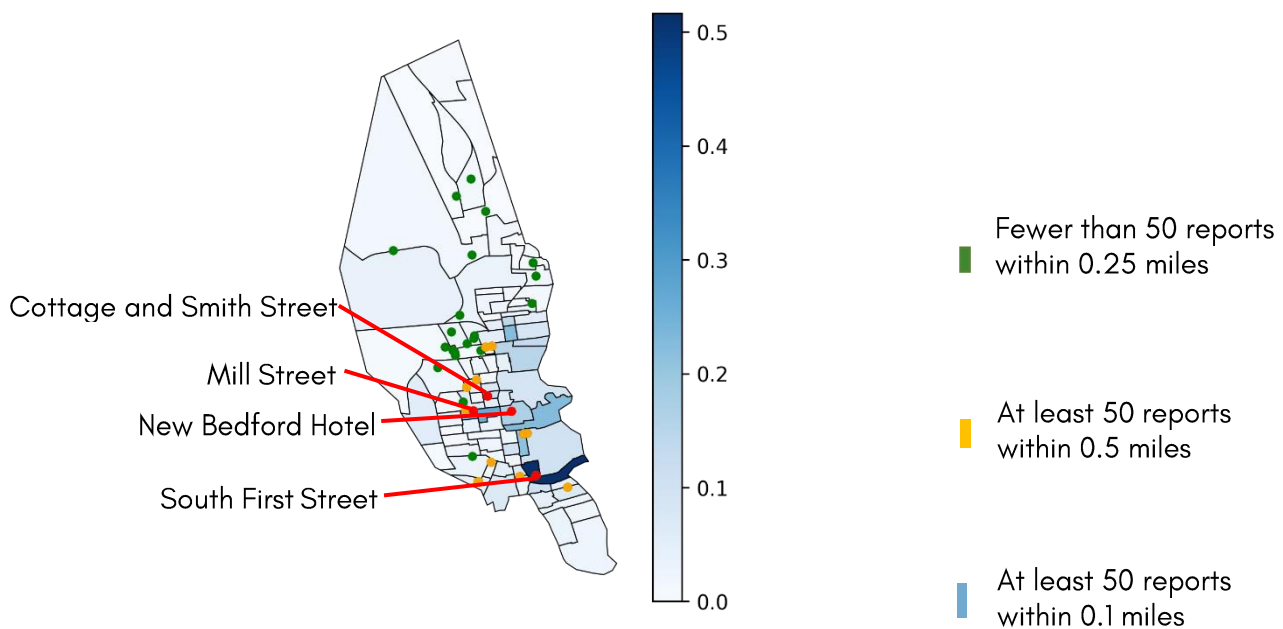


Figure 12. Field incident reports near New Bedford public housing. Blue shading represents field incident reports filed per capita

We repeated this same exercise with all of New Bedford’s K-12 public and charter schools and found that there were several schools which had at least 50 incidents occur less than 0.25 miles away. Only 4.6% of field incident reports occurred within 0.1 mile of a public school, and 36.8% occurred within 0.25 miles of a public school. Only two schools, Greater New Bedford Vocational Technical High School and Little People’s College, had no stops happen within a 0.25 mi radius.

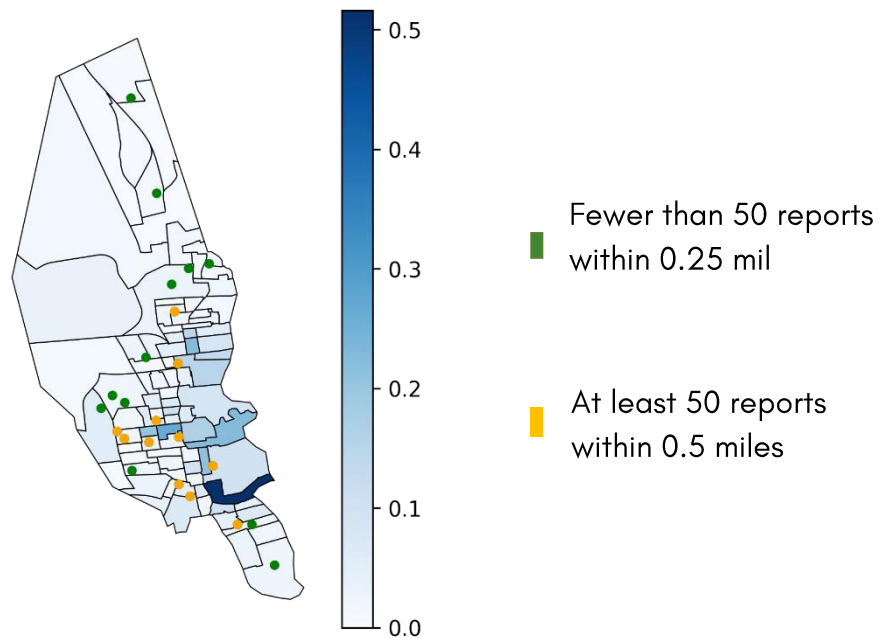


Figure 13: Field incident reports near New Bedford public schools. Blue shading represents field incident reports filed per capita.

With 550 stops, the school that saw the most stops within a 0.25 mi radius was Global Learning Charter Public School. This is near Tallman Street / North Front Street, which is a high poverty area with a large immigrant community

While we do not know whether police officers are targeting the area around public housing or public schools in their policing efforts, the data raises questions about the relationship between this type of law enforcement activity and New Bedford’s education

system. [Research](#)²² from Vera Institute as well as focus group discussions that acted as a base for CfJJ's recent report [Fail: Policing in Massachusetts Schools](#),²³ establish that high levels of profiling of youth in and around schools has a detrimental impact both on their mental health and their educational performance. Though outside the scope of this report, [school discipline](#) rates at New Bedford Public Schools are higher for Black, multi-racial, and Latinx students than for white students.

Finding 7 | NBPD's gang database is over-represented with Black and Latino young men, though the city lacks a meaningful policy, making gang identification a subjective act.

In response to our public record request, New Bedford Police Department released a de-identified list that contains some demographic characteristics of 613 individuals labeled as “verified” gang members. Almost all (97%) of these individuals are male, and 13 were juveniles under the age of 18 (2% of total). More than half (54%) of people listed as gang members are Black, while 24% are Hispanic (non-Black), 21% are white and 0.3% Asian. Police identified 482 out of the 613 (or 79% of the total) as being New Bedford residents. Fully 81% of New Bedford residents labeled as ‘gang members’ are either Black or Hispanic. Among residents of New Bedford, **Black people are over 27 times more likely to be on the gang list than white people, and non-Black Hispanics are 3.8 times as likely as white residents.** Fully 4.4% of all Black NB residents are on the gang member list, and considering gender breakdown, approximately 8.8% of all Black males in New Bedford are listed as “verified” gang members.²⁴

One community worker informant in New Bedford observed that members of the Latin Kings are not all Latino; some are white. Ultimately, the gangs are taking anyone who wants to join. Indeed, according to this worker, some young people involved in gang violence are kids from outside of the city of New Bedford, including some from the suburbs. However,

²² Vera Institute, Coming of Age with Stop and Frisk (2013). <https://www.vera.org/publications/coming-of-age-with-stop-and-frisk-experiences-self-perceptions-and-public-safety-implications>

²³ Citizens for Juvenile Justice, Fail: Policing in Massachusetts Schools (2020) <https://www.cfjj.org/policing-in-schools>

²⁴ Based on data from 2018 (<https://datausa.io/profile/geo/new-bedford-ma/#demographics>), there were 5630 Black non-Hispanics and 632 Black Hispanics for a total of 6,262 Black residents. To calculate the % of total Black population on gang list, we divide 277 by 6,262 to yield 4.4%. Since boys/men make up 97% of the list, this is doubled to yield 8.8%.

there is implicit bias here from the police in terms of assuming that a young person from a 'nice' community outside of New Bedford will not be part of a gang.

Total "Gang Members" on NBPD List (as of October 13, 2020): 613					
Race/Ethnicity	Number	%	Age of "Gang Members" on NBPD List	Number	%
Asian	2	0.3%	15-17	13	2.1%
Black (including both Hispanic, and non-Hispanic)	331	54.0%	18-20	43	7.0%
White (non-Hispanic/Latinx)	131	21.4%	21-25	162	26.4%
Hispanic/Latinx (non-Black / non-Asian)	145	23.7%	26-34	305	49.8%
Unidentified	4	0.7%	35-44	70	11.4%
			45-54	15	2.4%
			55-65	5	0.8%

At a policy and practice level, police departments keeping gang lists/databases is deeply problematic for a number of reasons, with some of these problems specific to New Bedford:²⁵

- Subjective manner of getting on list (i.e., the point system). The annex to this report shows the "Gang Assessment Criteria" sheet provided by NBPD. Indeed, one social worker who worked with the NBPD attended a number of trainings about gangs, and said that the criteria seemed arbitrary, and "didn't make sense." It seemed to have a lot to do with tattoo markings.
- Lack of ability for a person to know whether they are on the list to appeal inclusion (or know whether you are on the list).

²⁵ For additional background on the harms of gang databases, we recommend the ACLU of Massachusetts' reading list at <https://www.aclum.org/en/recommended-reading-gang-databases> .

- New Bedford lacks any official policy that sets forth parameters for inclusion, appeal or removal from the list.
- Obvious disparate impact on communities of color.
- Negative repercussions in juvenile justice, criminal justice and immigration system for inclusion on the gang list. This includes higher bails, lengthened sentences, requirements to wear a GPS post-case disposition, and possible deportation.

Two stories from young people encapsulate how police harass youth who have been identified as gang-involved, and in some cases even force the gang label onto youth who are in contact with the police:

One New Bedford young person who has been labelled by NBPD as a gang member said that the police regularly stop him in a car, as well as his family members when he is not present, with guns drawn. One officer “pulled my mother over and told her that her son is a ‘Code 4’ gang member” which gives the police the “right” to pull over the car. It appears that the gang label is being used to skirt constitutional protections against illegal searches and seizures.

Another New Bedford youth indicated that upon arrest, officials asked “what set they rep” [i.e. what gang the youth represents]. If the young person doesn’t “claim a set” they are threatened with being put in the holding cell that has people from a different part of the city, which will put the young person at risk of assault by their perceived enemies. In this way, young people are forced to self-identify as gang-involved for their own safety, even if they are not involved in a gang.

Finding 8 | NBPD exhibits an internal culture of racial insensitivity

The New Bedford Police Department, like many police departments, utilizes a paramilitary structure that shuns questioning, much less challenging, racist behavior. This

makes meaningful reform happening from inside the blue line very challenging. Paramilitary command structures within police departments prioritizes deferring to seniority and not questioning senior officers. Higher ranking officers, who are almost all white, stifle and don't listen to the voices of younger officers of color, or civilian staff. If mid-level and senior-level leaders hold a certain set of beliefs or practices, this structure presents a barrier for junior officers and staff to challenge those beliefs. As one respondent with experience inside NBPD said, the response from leadership to challenges of authority, including around race, is usually: "Is this a junior officer telling me something? You need to know your place."

There has been a historical lack of diverse leadership in the NBPD. The New Bedford Police Department was established in 1876 and to date they have only had three captains of color, one of whom (their first Latino captain) was only promoted in 2020. The department has never had a Black or Latinx Chief of Police, despite significant police operations in communities with a high proportion people of color. This historical lack of diverse leadership manifests today, as police officers of color in New Bedford are still consistently overlooked for promotion. The disparate treatment resident of color is not due solely to conscious or unconscious racism among a few police, but is driven by systemic factors around the role and power of policing that contribute to inequities where Black civilians are more likely to be harmed by policing practices. Those practices do not vary significantly by the race of the officer.²⁶ It is altogether possible for officers and police chiefs of color to sustain, rather than challenge, racist structures of power.

²⁶ Menifield, et al. Do White Law Enforcement Officers Target Minority Suspects? *Public Administration Review*, 79(1): 56-68 (2019). <https://onlinelibrary.wiley.com/doi/abs/10.1111/puar.12956>

Recent incidents of racism reported from within the NBPD include:

- Senior white officers telling Black officers that “Black on Black crime proves that Black lives don’t matter.”
- Police officers regularly referring to community members in the North Front and South End neighborhoods “f***ing losers.”
- Officers on Facebook saying Breonna Taylor brought her death on herself by “hanging with the wrong crowd.”
- Officers going to a house during a raid and tearing down a Puerto Rican flag, and when questioned by a ride-along social worker, an officer said “get in the f***ing car.”
- White officers stifling the voice of officers of color, by making comments that “this low ranked officer is trying to tell me how to do my job.”
- One white officer taunted another officer based on his Puerto Rican heritage, saying, “You must be in a gang if you’re Puerto Rican.”
- A service provider who worked with the department stated that, based on her experience, the NBPD is “full of racism. But when you try to have a conversation or show how it is displayed you become the racist one.”

RECOMMENDATIONS

Priority recommendations by youth with NBPD interactions

Based on key informant interviews with young people in New Bedford, as well as local youth workers and advocates, the following recommendations were identified as the most immediate policy reforms

Recommendation 1 | Require police officers to use body cameras

Recommendation 2 | Change the way officers are trained: “Tell them to serve people, not that they have power over us.”

Recommendation 3 | Have officers of color patrolling the neighborhoods.

Recommendation 4 | End the practice of police living virtually rent free.

Addressing the over-policing of neighborhoods of color and of Black and Latinx residents (Findings 2 and 3)

Recommendation 5 | The City of New Bedford should reinvest in non-policing youth development and public safety strategies.

Recommendation 6 | NBPD leadership should commit to regularly review data on stops and incidents and to immediately address officers involved in biased practices.

Recommendation 7 | Implement a racial profiling policy that defines racial profiling as a law enforcement officer’s reliance – to any degree – on a person’s race to determine whom to target for law enforcement action. That affirms that racial profiling is unconstitutional and that it undermines effective policing. Models for this include the [End Racial Profiling Act](#)²⁷, and, somewhat counterintuitively, ideas drawn from the New York Police Department’s [Policy Prohibiting Racial Profiling](#)²⁸.

Recommendation 8 | Police leadership should engage in constructive conversations with communities of color with an aim to reduce discriminatory law enforcement policies

²⁷ In the 116th Congress: H.R. 4339; S. 2355

²⁸ Available at https://www1.nyc.gov/assets/ccrb/downloads/pdf/investigations_pdf/pg203-25-dept-policy-prohibiting-racial-profiling.pdf

and practices. This approach (outlined in the United Nations Report entitled [Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges](#))²⁹ has the potential to improve communication between law enforcement authorities and the community, raise awareness among law enforcement agents of the needs and expectations of the members of the racial, ethnic and religious communities they serve.

Recommendation 9 | Discontinue the practice of profiling, stopping, and/or harassing students on their way to middle- and high-school.

Recommendation 10 | Discontinue the practice of having police officers living virtually rent-free in/near public-housing.

Addressing the small number of officers driving police stops (Finding 4)

Recommendation 11 | NBPD should implement changes to how it incentivizes and promotes its officers and command staff. The fact that the police officer responsible for the highest number of incident reports over the last five years was recently promoted suggests that policing practice by individual officers that aims primarily at surveilling Black and Latinx young people is rewarded by the department.

Addressing the use of a database of “verified” gang members in New Bedford that skews heavily on young people of color (Findings 1 and 7)

Recommendation 12 | NBPD should stop compiling and utilizing such a database that is overwhelmingly populated by youth of color. At the very least, NBPD should implement a policy which (1) indicates how people are identified as being gang involved or affiliated, (2) provides standards for notifying individuals that they have been identified on the list, and (3) provides a process for appealing a determination or requesting removal from the gang list.

²⁹ Available at <https://www.un.org/sites/un2.un.org/files/preventracialprofiling-en.pdf>

Recommendation 13 | The Massachusetts Legislature should consider legislation that limits the use of gang databases, and requires means of identification, notification, and facility to appeal such designation.

Recommendation 14 | NBPD should implement the police reform legislation, “An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth.”³⁰ Especially important is implementation of Section 22 of the legislation, which outlines developmentally appropriate approaches to policing young people.

Addressing NBPD’s culture of racial insensitivity (Finding 8)

Recommendation 15 | Police leadership should increase internal accountability, including systemic review of resident complaints alleging racial profiling, as well as conduct a full audit to review existing policy, operations and practices that may be contributing to patterns of racial profiling.

Recommendation 16 | Police leadership should set higher and clearer thresholds for reasonable suspicion, including adopting prescriptive guidance on when stops may be made. Reduction in the discretion of officers to stop would cause fewer stops, more of which would be justified and fruitful and, hopefully, make an impact on the current patterns of disproportionate stops.

Recommendation 17 | The school superintendent should respond to demands from advocates and members of Black and brown communities and remove school resource officers from New Bedford Public Schools (NBPS) and strengthen any existing MOU between NBPS and NBPD to clearly define procedures for police response to school based incidents, including those that reinforce that school administrators, and not police, are responsible for code of conduct and routine disciplinary violations.

Recommendation 18 | Create an independent and fully funded civilian oversight board with subpoena power led by those most impacted by structural racism and state-sanctioned violence.³¹

³⁰ Chapter 253 of the Acts of 2020

³¹ As recommended <https://www.newbedfordguide.com/opinion-mitchell-stop-duck-dodge-accountability-new-bedford-citizens/2020/10/01>

Recommendation 19 | Conduct a thorough and independent investigation into NBPD’s use of surveillance technology, including its costs relative to its efficacy, the violation of civil liberties, and most importantly, its disparate impact on communities oppressed by structural racism, class domination, and xenophobia.³²

³² Ibid.

QUESTIONS FOR FURTHER INQUIRY AND RESEARCH

This report reflects just one step in documenting police activity and tactics, and makes recommendations toward achieving more equitable policy and practice changes. Given that social change is an ongoing process, CfJJ encourages additional inquiry and research in the following areas to better understand the dynamics of policing of youth:

1. How does the use of electronic monitors affect young people pre-trial? Youth report long periods of wearing these, particularly during Covid, which makes it difficult to go to school, apply for work, etc. When batteries die, youth say, police descend and arrest them, sometimes with weapons drawn.
2. Does the gentrification of New Bedford produce an incentive for the city and its police department to more heavily police the city and/or to employ profiling?
3. Why are police officers given discounted access to public housing? Housing stability is recognized as encouraging law-abiding behavior. Are there low-income families denied affordable housing because it is going to police officers?
4. How will NBPD implement the requirements set forth in the 2020 police reform law that departments utilize developmentally appropriate de-escalation techniques? Are NBPD officers trained in youth development in the traumatizing effect of police encounters on young people?
5. How can the field incident data presented here be connected to police arrest data, District Attorney charging data, and court data to better understand the whole criminal justice system's impact?
6. What areas exist for reinvestment of the police budget into community projects, building on the [three-part](https://ehrens.substack.com/p/police-spending)³³ NBPD [budget analysis](https://ehrens.substack.com/p/budgeting-police)³⁴ conducted [already](https://ehrens.substack.com/p/afford-police)³⁵ by local blogger/activist David Ehrens?

³³ <https://ehrens.substack.com/p/police-spending>

³⁴ <https://ehrens.substack.com/p/budgeting-police>

³⁵ <https://ehrens.substack.com/p/afford-police>

APPENDIX: NEW BEDFORD POLICE DEPARTMENT SAMPLE GANG ASSESSMENT CRITERIA SHEET

10-11-2018

Page: 1

Gang Assessment Criteria for _____

(Assessed by Detective Roberto C DaCunha (2C-3974) on 10/11/2018)

Total Points = 0 (Gang Member Assessment Threshold = 10) ...does not qualify as a gang member

[x]	Criteria	Point Value	Agency Defined	Per Transaction	# Transactions
1 []	ASSOCIATE	10	Y	Y	
2 []	Contact with known gang members/associates	02	N	Y	
3 []	Court and investigative documents	09	N	N	
4 []	Documented association, if in custody or incarcerated	04	N	Y	
5 []	Documented association, if not in custody or incarcerated	04	N	Y	
6 []	Group related photograph	04	N	N	
7 []	Information developed during investigation and/or surveillance	05	N	N	
8 []	Information from anonymous informant or tipster	01	N	N	
9 []	Information from reliable, confidential informant	05	N	N	
10 []	Information not covered by other selection criteria	01	N	N	
11 []	Information received from an unaffiliated law enforcement agency	08	N	N	
12 []	Known group tattoo or marking	08	N	N	
13 []	Membership documents	09	N	N	
14 []	Named in documents as a member	08	N	N	
15 []	Participation in publications	08	N	N	
16 []	Possession of documents, if in custody or incarcerated	04	N	N	
17 []	Possession of documents, if not in custody or incarcerated	08	N	N	
18 []	Possession of gang publications	02	N	N	
19 []	Prior validation by a law enforcement agency	09	N	N	
20 []	Published news accounts	01	N	N	
21 []	Self admission	08	N	N	
22 []	Use and or possession of group paraphernalia or identifiers	04	N	N	
23 []	Victim/Target affiliated with / member of rival group, if in custody or incarcerated	03	N	N	
24 []	Victim/Target affiliated with / member of rival group, if not in custody or incarcerated	08	N	N	

Acknowledgments

This report was written by Citizens for Juvenile Justice staff. Data analysis and some text were compiled by interns including a team of students from BU Spark!, a graduate intern from MIT and a recent high school graduate. BU Spark! participated in this project as a technical partner, providing data processing and visualizations only, and that neither the lab nor the university necessarily endorses the political analysis of these data as interpreted by Citizens for Juvenile Justice.

Citizens for Juvenile Justice

Founded in 1994, Citizens for Juvenile Justice (CfJJ) is the only independent, non-profit, statewide organization working to improve the juvenile justice system in Massachusetts. As an independent research and policy organization, we are uniquely positioned to understand and advocate for the whole system – Juvenile Justice and the other child- and youth-serving systems that often feed into juvenile justice. We don't represent individual juvenile clients. Instead, we try to change the way the entire system operates. We advocate for smart policies that prevent crime, help youth develop into responsible adults, and use resources wisely. Our work includes advocacy with the legislature and the executive agencies, research, convening and coalition building, public education and media outreach.

CfJJ's mission is to advocate for statewide systemic reform that achieves equitable youth justice. This includes fair and effective systems that promote positive development and successful outcomes for young people. CfJJ works to ensure that Massachusetts includes kids in the juvenile system who are currently consigned to the adult system, keeps kids out of the juvenile system who don't belong there, and treats youth who are in the system fairly and effectively. Our goal is to ensure not just a fair and effective juvenile justice system, but fair and developmentally appropriate child-serving systems that prevent vulnerable youth from entering the juvenile justice system.

