

# **OPINION: BREATHE! response to 60-Day Report from New Bedford's Mayor Mitchell's Commissions on Police Use of Force**

"It is promising that the Mayor's Commission on Police Use of Force mentioned that police directives are within their jurisdiction. That being the case, we believe it is imperative that the Commission demand an immediate rescinding of the New Bedford Police Department's Directive 06-71 "High Energy Patrol Initiative" which led to what a Superior Court Judge deemed an unconstitutional stop of Malcolm Gracia and the deadly use of force by Detective Trevor Sylvia and Detective Paul Fonseca murdering a New Bedford child, Malcolm Gracia. The directive also includes problematic language rife with racial overtones.

It encourages police officers to see "middle school-aged children" from New Bedford as "thugs" and "remove them from our city." This is exactly the type of language that wreaks of unaddressed implicit bias and results in unnecessary, often illegal, use of force against low-income, primarily Black, Brown, and Indigenous youth in our city and across the country.

## **Response to the Commission's statement about *Transparency of the Commission***

It is alarming to discover that Mayor Jon Mitchell's Commission on Police Use of Force believes that those in need of translation services and/or alternatives to Internet access are expected to send the Commission requests for provisions.

It is mind-boggling that a Commission that solely sent out press releases in English and electronically would believe that those without internet access or the ability to read English should, or even could, be responsible for requesting translations and alternate means of engaging the Commission.

This scapegoating of effective outreach to all members in our community is troubling. Especially given the fact that community members with English proficiency and Internet access also complained about how difficult it was to find an event flyer, meeting agendas, NBPd Use of Force Policies, and/or registration information for the commission's first public meeting.

Despite the commission's claim that their press release included a complete agenda, many members from the community voiced their discontent with the lack of clarity via public comment, messages in the Zoom chat, comments on the FaceBook livestream, and in statements to the local media. The Commission failed to effectively outreach, educate, and inform the community on the meeting's agenda and goals. Moreover, the Commission avoided answering questions and/or engaging in healthy dialogue with meeting participants.

### **Regarding the Commission response to questions about the *Appointment of Commission Members***

The Commission is correct, Jon Mitchell is the one who needs to answer all of the community's questions relating to his criteria for selection of Commission members. To that end, Jon Mitchell we in BREATHE! are still awaiting your answers to the following questions:

- Why does the Commission not represent the same demographics as New Bedford (age, gender, race, ethnicity, language proficiency, class, and neighborhood)?
- Why does the Commission replicate the same systems of oppression it seeks to address by being composed of police,

prosecutors, and friends of elected officials?

- What was the criteria for selecting these individuals? What was the thought process behind appointing these representatives? While it is true that Mayor Jon Mitchell was responsible for the composition of the Commission, Chairman Brian Gomes clearly can survey the individual members of the Commission and easily provide answers to the following questions.

- How many of the commission members live outside of the city New Bedford?

- How many of the commission members have worked for the police or prosecuting attorney office and/or have partners that have?

- How many of the commission members have ties to the current administration or have campaigned for the current administration?

- How many of the commission members have ties to the police union or have accepted donations from the police union?

**Regarding the process for submitting input/questions to the Commission and the description of the process for filing complaints.**

We do not believe it is in the best interest of the community and/or victims of police misconduct to submit public comments, questions, or complaints to the Commission on Police Use of Force, the Human Relations Commission, or the New Bedford Chief of Police. Especially considering no steps are being taken to ensure that it is legally wise and safe for members of our community to share stories of their interactions with the city administration or police without risking future civil/criminal cases and without fear of repercussion or retaliation from the police.

Although Counselor Gomes stated that he would personally guarantee their safety, that is not something he has the authority to do and that is not a promise backed by any legal document. We do not believe having victims of police

misconduct reach out to individuals and organizations with close ties to the police or the city administration to be a best practice or to create a safe, inviting space for people who have had negative experiences with the police to come forward.

The citizens of New Bedford should have the power to investigate and discipline police misconduct. After all, the police work for the citizens of New Bedford. Moreover, it is the citizens of New Bedford that the police swore to serve and protect. If the Commission is committed to stopping police from targeting BIPOC communities, they will support the community's demand for a fully funded and independent oversight board with subpoena power and disciplinary authority. This oversight board would hold police officers accountable for wrongdoing. New Bedford needs an oversight board to ensure police stop their policies and practices of targeting BIPOC communities, low-income people, and other marginalized groups with impunity.

The oversight board must be independent, not only from the police department, but also from elected politics, and have a fixed budget, so that it is able to effectively and independently investigate complaints. The board's structure needs to be designed by the community, not the Mayor. This ensures true community voice and perspective centered around the needs of those most impacted by police violence, abuse, and misconduct. The leadership and majority of the board membership must be victims of police misconduct and/or their family members, with other local citizens nominated by grassroots civic and community-based organizations trusted by the communities most impacted by the criminal justice system.

## **Conclusion**

Ultimately, we in BREATHE! felt that Mayor Mitchell's Commission On Police Use of Force's "public" meeting was

poorly advertised, failed to educate the community regarding the scope of the commission's work, and was a feeble attempt at community engagement. When questioned about efforts made to include diverse voices from the community, the commission had no answer. We believe any legitimate conversations around police policies should include youth, non-English speakers, Black, Indigenous, LGBTQ, communities of color, folks with limited Internet access, and victims or family members of those harmed or killed by police.

When meeting participants questioned the commission we were met with silence, evasion, aggression, or a condescending tone from chairman Brian Gomes. The Commission erroneously claimed they can only review three policies on police use of force in isolation. This is not true. Police use of force policies cannot be separated from all other policing policies or the impact they have on members of our community.

The Commission's own admission that they have limited purpose and scope emphasizes the need for an independent and fully funded oversight board with subpoena power. This oversight board would create accountability and help to protect our community from a racist ecosystem of police policies and the organizational culture that gets built alongside it.

In the last month, we have also noted that not one member of Mayor Jon Mitchell's Commission on Police Use of Force has attended any of the "The Malcolm Gracia Story: A Presentation of Evidence" Zoom calls to hear about the details of one incident of deadly use of force that took the life of a young person from our own community. Given that the Commission is reviewing New Bedford's Police use of force policies, we imagined the Commission would prioritize attendance at these important public presentations, especially considering the fact that Malcolm Gracia was a 15-year-old child who was murdered by police use of force after having his civil rights violated when the New Bedford Police Department illegally stopped him on May 17, 2012.

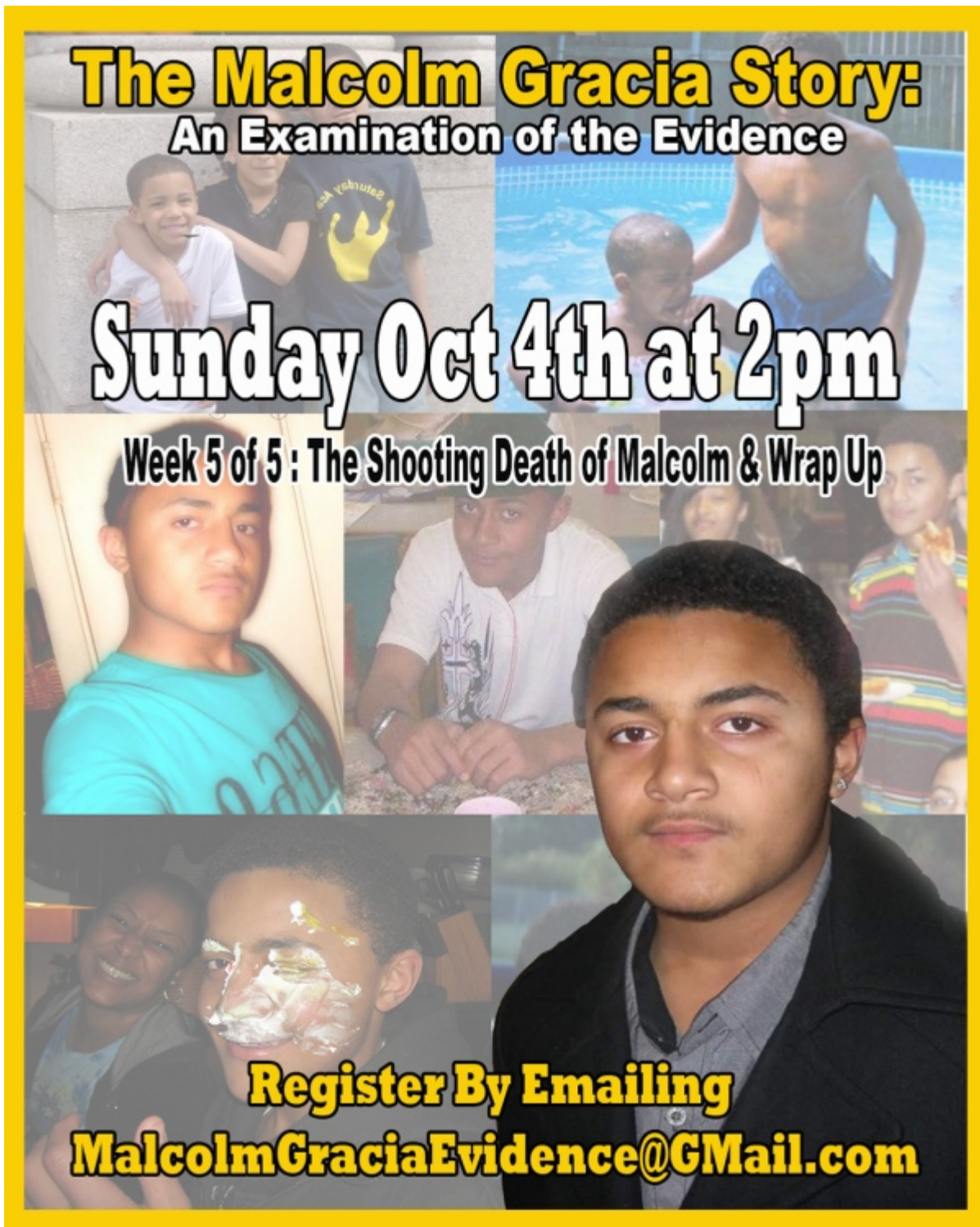
Additionally, after the Commission's noticeable absence from Part 1 of "The Malcolm Gracia Story: A Presentation of Evidence" on Sunday August 30th we sent a second email invitation and letter to Jon Mitchell and the entire Commission addressing their absence. Yet, shamefully not one member from the Commission has prioritized any of the presentations of evidence in this important case involving New Bedford Police Officers use of deadly force on a child. It is our hope that the Commission will prioritize the last presentation of evidence scheduled for Sunday October 4th at 2pm by registering via an email to [MalcolmGraciaEvidence@gmail.com](mailto:MalcolmGraciaEvidence@gmail.com).

We also insist that the Mayor's Commission on Police Use of Force publish a public statement regarding Malcolm Gracia's murder via excessive use of force by the NBPB including the following demands:

- The immediate firing of New Bedford Police officers Tyson Barnes, David Brown, Paul Fonseca, Brian Safioleas, and Trevor Sylvia for their involvement in the murder of Malcolm Gracia.
- That Detectives David Brown, Tyson Barnes, Paul Fonseca, Trevor Sylvia and Sgt. Brian Safioleas be charged for filing false police reports based on their affidavits filed on October 22, 2018 in the case of Christina Gracia v. City of New Bedford et al. Docket No. 1573CV00467.
- That Detectives David Brown and Tyson Barnes be charged for violating Malcolm Gracia and Adam Carreira's civil rights.
- That Detective Trevor Sylvia be charged with Second Degree Murder based on the evidence in the case, which shows that Detective Sylvia shot Malcolm three times in the back as he was running away from officers.
- That Detective Paul Fonseca be charged with First Degree Murder based on the evidence in the case, which includes Fonseca's statements to Massachusetts State Police.
- Creation of an independent and fully funded civilian oversight board with subpoena power led by those most impacted

by structural racism and state-sanctioned violence.

- 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.



**The Malcolm Gracia Story:**  
**An Examination of the Evidence**

**Sunday Oct 4th at 2pm**

**Week 5 of 5 : The Shooting Death of Malcolm & Wrap Up**

**Register By Emailing**  
**MalcolmGraciaEvidence@GMail.com**

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# OPINION: Ideas for Trick or Treating on the SouthCoast and enjoying Halloween during the pandemic

“I keep seeing all these posts about trick or treating. How about this year, we all make an effort to make this the best trick or treat these kids have seen?

Turn every porch light on. Give away extra candy. Sit in your driveway with a costume on. Decorate your house more. Play music. Be extra spooky. Buy the BIG candy bars. Go as far as to set up a drink station for adults (we like trick or treat too). Give away hot chocolate. Make every house a party!

Don't get mad that there are kids from other neighborhoods showing up. (They may not live in an area that has trick or treat) And for Pete's sake let the kids who may be older come and have something normal that they can enjoy.

So many of these kids are struggling for some normalcy in their lives just as much as the adults. This is the year to just LET THEM BE KIDS! This is such a small way we can help some kids feel like kids again!

Get the word out to your neighborhoods and let's give these kids the best trick or treat EVER! ♥️♥️!”-Renee Moore.

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# **Police respond to double-stabbing in New Bedford Saturday night**

New Bedford police officers responded to a double stabbing at around 9pm last night in the area of Thompson and County streets. Initial reports are that four people were detained for questioning. No further information is available at this time.

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## **Officials advise no swimming at New Bedford beaches after shark sighting in Fairhaven**

The New Bedford Mayor's office confirmed that they are advising no swimming at New Bedford beaches based on a shark sighting in Fairhaven earlier in the day.

The following message was sent out by the Fairhaven Police Department:

"FAIRHAVEN ALERT: This message is being sent by the Fairhaven Police Department and the Harbormaster.

All public beaches are temporarily closed due to a possible shark sighting near Hacker Street. All citizens are asked to stay out of the water.

Any sightings should be reported to the Fairhaven Police Department at 508-997-7421. Currently, the Fairhaven Police

and Harbormaster is investigating the incident and the waters.”

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## **Fairhaven closes all beaches due to shark sighting**

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## **Protestors rally near Ash Street jail in New Bedford on Saturday**

There was a rally today outside of Ash Street Jail conducted by Bristol County for Correctional Justice, Families for Justice and Healing Coalition. They urged legislators to pass S2846, a bill eliminating the costs for calls for the incarcerated prisoners.

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# Massachusetts State Police investigating fatal pedestrian crash in Blandford

“At approximately 10 p.m. Friday September 25, 2020, Massachusetts State Troopers assigned to State Police-Westfield responded to reports of a pedestrian struck by a motor vehicle on Route 90 Eastbound, at the 24.2 mile marker, in Blandford. The victim suffered fatal injuries.

Preliminary investigation indicated that a 49-year-old Pittsfield man, Harry Young, was a passenger in a 2008 Lexus operated by a 36-year-old Becket woman. The Lexus pulled in the breakdown lane and Young jumped out of the vehicle and ran into the roadway for reasons still under investigation. Young was then hit by a 2013 Ford Explorer operated by a 26-year-old Brockton woman. Young was subsequently struck by a 2020 Kenworth tractor trailer operated by a 33-year-old Little Falls, N.Y., man. All operators remained on scene.

Young was determined to be deceased at the scene.

The facts and circumstances of the crash, including why Young got out of the Lexus, remains under investigation by State Police-Westfield, the State Police Collision Analysis and Reconstruction Section, the State Police Crime Scene Services Section, and the State Police Detective Unit for Hampden County.

No charges have been filed at this time.

Troopers were assisted on scene by the Massachusetts DOT. Route 90 Eastbound was closed for the investigation, all lanes

were opened at 2:17 a.m.”

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# **Single car crash in Massachusetts injures 5 between aged of 13-15 years old**

From the Upton Police Department:

“Upton Police Department is investigating an overnight crash on Hartford Ave So.

The single-vehicle crash involved 5 occupants ranging in ages from 13-15 years of age. 3 of the occupants were ejected from the vehicle on impact, 2 occupants were able to exit the vehicle after the crash.”



*Upton Police Department photo.*



*Upton Police Department photo.*

No further details available at this time.

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## **New Bedford Symphony Orchestra “Woodwinds and Brass” present video projects**

When the New Bedford Symphony Orchestra 2020-2021 season premiered on September 12 with a virtual concert, COVID-19 restrictions limited the number of people allowed on stage, so

we selected and performed a program with string and percussion musicians. Now, the NBSO is pleased to present season-opening performances by the orchestra's woodwind and brass sections, who have created their own separate video projects!

The woodwind musicians got together at the beautiful Gardens at Elm Bank at the Massachusetts Horticultural Society in Wellesley to perform "Variations on a Shaker Melody" from Aaron Copland's Appalachian Spring. NBSO musicians involved in this project include Timothy Macri, flute; Vanessa Holroyd, flute; Laura Shamu, oboe; Laura Pardee Schaefer, English horn; Nicholas Brown, clarinet; Margo McGowan, bass clarinet; Michael Mechanic, bassoon. To access the NBSO Woodwinds video project, visit the NBSO website at [www.nbsymphony.org](http://www.nbsymphony.org) under Events/Online Concerts.

The brass section put together a video composite of their performance of Aram Khachaturian's Sabre Dance. The featured NBSO musicians are Andrew Sorg, Andrew Moreschi, and Geoffrey Shamu on trumpet; Robert Marlatt, Sarah Sutherland, and Kevin Owen on horn; Robert Hoveland and James Monaghan on trombone; Jobey Wilson on tuba; Eric Huber on timpani; Evan Glickman and Dylan Barber on percussion. To access the NBSO Brass video project, visit the NBSO website at [www.nbsymphony.org](http://www.nbsymphony.org) under Events/Online Concerts.

The NBSO is a professional orchestra that annually presents a concert series of classical and pops music as well as an outstanding chamber music series. In addition, the NBSO's innovative and nationally recognized educational programs reach thousands of students each year in local schools and through open access online. The NBSO is dedicated to building a community of music on the South Coast. Visit [www.nbsymphony.org](http://www.nbsymphony.org) today!





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# **New Bedford Police Department grieves the passing of former Chief Arthur T. Oliveira**

“The New Bedford Police Department grieves the passing of former Chief Arthur T. Oliveira of New Bedford who died on September 20, 2020.

He was the husband of the late Jeanette E. (Caron) Oliveira.

Chief Oliveira was a member of the New Bedford Police Department for 35 years serving every rank including Chief until his retirement.

He proudly served in the U.S. Navy during World War II aboard LST 226 in the Pacific theater.

Our deepest sympathy is extended to his children and their families. We will remember and honor him always. Rest in



peace.”-New Bedford Police Department.

