

# **OPINION: “New Bedford has installed hostile architecture to make life harder for the poor!”**

“Does anyone else find it irksome that New Bedford has installed hostile architecture to make life harder for the poor?

The Route 18 exit into downtown New Bedford has an island that’s often occupied by homeless asking for help.

I know it’s a buzzkill to be begged for money on your commute, but it doesn’t seem compassionate (or effective) for the city to discourage it through hostile architecture.” -Nick Matthew□.



*Photo by Nick Matthew.*

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# **BREATHE! New Bedford's request of City of New Bedford's Human Relations Commission**

The following is a statement from BREATHE!

"Members of New Bedford Human Relations Commission,

We hope this email finds you seeking justice for Malcolm Gracia. We are writing to inform you that BREATHE! will not be

able to meet with the Human Relations Commission on September 8th, 2020 from 3-4 PM. BREATHE! will discuss your commission's desire to meet with us at our next meeting and contact you back with our response shortly thereafter.

We have noticed that no one from the New Bedford Human Relations Commission has been on any of the "The Malcolm Gracia Story: A Presentation of Evidence" Zoom calls. We had spoken with your executive director Marcelina Pina-Christian and chairperson Estella Ribeiro about the presentations and handed both the presentation schedule on August 5th, 2020 after honoring the life and legacy of the late Congressman John Lewis outside of the New Bedford City Hall.

Given that the Human Relations Commission advocates for the human and civil rights of all residents of the City of New Bedford, 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 had his civil rights violated when the New Bedford Police Department illegally stopped him on May 17, 2012.

*New Bedford Superior Court Judge Rules New Bedford Police Stop of Malcolm Gracia Unlawful – Standard Times June 22, 2019*

Additionally, after the Human Relations Commission's noticeable absence from Part 1 of "The Malcolm Gracia Story: A Presentation of Evidence" on Sunday August 30th we sent an email to your organization's executive director addressing this absence. We have attached a copy of the email below along with a flyer for Sunday September 13th's 2 PM presentation which will cover the illegal stop of Malcolm Gracia and Adam Carreira by the NBPD Gang Unit. We anticipate that members of your commission will prioritize attendance for this presentation and all remaining presentations.

Moreover, we insist that the New Bedford Human Relations Commission publish a public statement regarding Malcolm

Gracia's murder by NBPD including the following demands:

An immediate rescinding of New Bedford Police Department's Directive 06-71 "High Energy Patrol Initiative" which led to what a Superior Court Judge deemed an unconstitutional stop and includes problematic language ripe with racial overtones.

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.

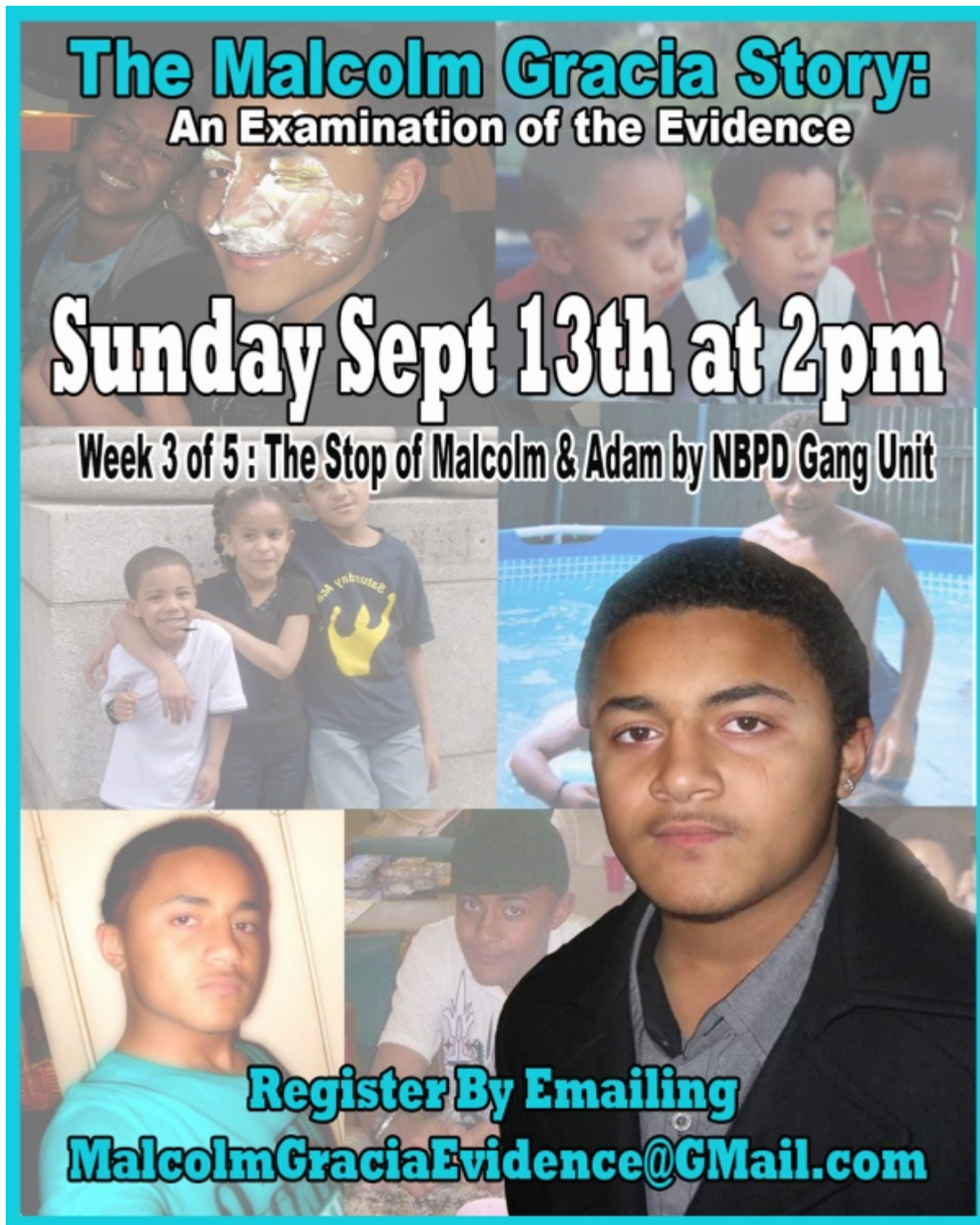
Creation of an independent and fully funded civilian review committee with subpoena power led by those most impacted by structural racism and state-sanctioned violence.

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.

In the pursuit of JUSTICE and community healing,



BREATHE!



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

**Sunday Sept 13th at 2pm**

**Week 3 of 5 : The Stop of Malcolm & Adam by NBPD Gang Unit**

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

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*BREATHE! is a New Bedford grassroots movement that seeks to strategically create change in the policies and practices that have upheld institutional racism, state violence, and injustice. We seek to bring awareness and to educate local*

*residents and organizations on the issues that disproportionately impact people of color and their basic human rights.*

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# **Letter from New Bedford's "BREATHE" to Mayor Mitchell about Commission on Police Use of Force Policies**

"Dear Mayor Mitchell's Commission on Police Use of Force Policies,

It is critical that we, as a community, have an opportunity to be a part of any work aimed at evaluating the NBPD's use of force policies as well as any other policy that directly impacts the residents of New Bedford. We, BREATHE!, are submitting the following questions/concerns for discussion. Questions and comments focus on the areas of transparency and public outreach, appointment of committee members, policy language, and accountability.

## **Transparency and Public Outreach**

In order to understand the impact of the policies under review on citizens of New Bedford, community engagement is critical but has been lacking. If this is partnership with the community and not smoke and mirrors, please consider the following:

- Why haven't meetings been public? Why haven't meeting minutes been posted for public review?
- Why hasn't public input been solicited prior to the first

several meetings rather than what seems to be the end of the commission's work?

- In order to hear the most voices, what was done to ensure a representative sample?
- Were steps taken to ensure that historically marginalized communities such as Black, Indigenous, People Of Color, immigrants, and LGBTQ received the survey and felt safe to respond? Was this provided in multiple languages? Do people without internet access have a voice?
- Is it fair to say that at this time the only people who have been able to present their concerns and opinions have been nearly exclusively adults (78%), exclusively English speakers (63%), and exclusively those who have internet access (only 72% of the city)? (United States Census Bureau data for New Bedford, MA 2019)  
<https://www.census.gov/quickfacts/newbedfordcitymassachusetts>
- The meeting details require some digging. Why isn't the public meeting listed on the city of New Bedford homepage calendar along with other municipal meetings?
- What steps were taken to ensure that it is legally wise and safe for members of our community to share stories of their interactions with police without risking future civil cases and without fear of repercussion or retaliation?
- Why are public comments/questions being sent directly to the NBPd? This is not a safe space for people who have had negative experiences with the police.
- Will there be a detailed report released of how this survey was generated and checked for validity? How it was distributed? The number of people in each demographic that the survey was sent to vs. the response rate for each group?

## **Appointment of Commission Members**

A group that is established to evaluate policies that directly impact the community should be made up of members that are

representative of the community.

- Why does the Commission not represent the same demographics of New Bedford (age, gender, race, ethnicity, class, neighborhood)?
- Why does the Commission replicate the same systems of oppression by being composed of police, prosecutors, and friends of elected officials?
- What was the criteria for selecting these individuals?
- 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?
- This Commission should be led by victims of police misuse of force and their families.

### **Policy Language**

- The language in the documents being reviewed by the New Bedford Police Use Of Force Commission (Documents, 12-01, 12-02 and 12-03) serve only as guiding principles and is highly subjective. For example, it is stated that the “reasonableness of a particular use of force” must be judged from the perspective of the “reasonable officer on the scene.”
- This type of language is problematic and raises the fundamental question of who and what defines “reasonable” and how is it to be measured? Different social and cultural norms frame the interpretation of any given situation. What is deemed “reasonable” to a white middle class man is not the same as a recent immigrant from South Asia.
- These policies should give clear definitions, examples and state appropriate actions of when and how to use force, if



ever.

- Using the highly subjective and culturally biased judgement and perspective of individual officers is problematic. The language in these policies is being interpreted from the perspective of police culture that accepts use of excessive force as part of the norm and with lack of disciplinary action.

## **Accountability**

Once the use of force policies are reviewed, we must ensure that there are policies and procedures in place that hold the police accountable to the community they serve, and it must be made clear how this is being done.

- What recommendations does the Commission have about holding police accountable for police use of force violations?
- If police violate the use of force policies, are there policies on how they will be disciplined?
- What is the current process of investigating a police use of force complaint?
- Will the Commission recommend releasing the names of any police officers that had complaints for use of force within the last 10 years?
- Will the Commission recommend new independent investigations of any complaints on use of force within the last 10 years including the Malcolm Gracia case?
- Will the Commission recommend an independent fully funded civilian review board with subpoena power led by victims and families of police use of force, not picked by the Mayor or any elected officials or city agency heads?
- What are the consequences for officers not wearing their name tag?
- If an officer violates police use of force, does this commission support eliminating qualified immunity?
- Has the commission looked at, or requested, data (by race, neighborhood, class, gender, etc) about victims of police use of force?

- What recommendations does the commission have for healing victims of police use of force, their families, and the community?

We look forward to engaging with the Commission at the public meeting and we request formal answers to all these important questions.

Submitted by: BREATHE! A New Bedford based grassroots movement that seeks to strategically create change in the policies and practices that have upheld institutional racism, state violence, and injustice.

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## My challenge for the New Bedford activists: run for elected office in 2021

People in New Bedford like to complain a lot, but few take the time to vote and New Bedford is known for its lack of candidates running for office. After the death of George Floyd, New Bedford saw a few weeks of protests in the name of George Floyd, Black Lives Matters, and 15-year old **Malcolm Gracia** who was shot by police after stabbing a police officer in 2012. At the peak of the protests, activists shut down the New Bedford/Fairhaven Bridge, shut down the southbound lane of Route 18 in New Bedford, and even showed up in large numbers to Mayor Jon Mitchell's house. Will the recent social activism translate politically in New Bedford's 2021 election? I doubt it.

In 2017, I wrote the article '**Protesting a Sheriff that ran unopposed**' that detailed the irony of dozens of people showing

up to protest Bristol County Sheriff Hodgson's plan to charge inmates \$5 per day and to offer up volunteer inmates to build Trump's wall. The irony was that Sheriff Hodgson just ran unopposed a few months earlier. Unfortunately, I don't see 2021 being any different.

In 2021, there will be at least one open seat on the New Bedford City Council as At-large City Councilor Debora Coelho announced her retirement shortly after getting elected. At-Large City Council in New Bedford is a tough election to win if all five incumbents decide to run for election. Usually, you'll only see new members when a seat is vacated. The last new at-Large City Councilor to get elected was Ian Abreu after David Alves announced he was not running for reelection in 2015. Debora Coelho's retirement will provide a rare opportunity to fill a seat that is easily defended in future elections. Expect a lot of the politically experienced or those with name recognition to run for the seat, but few if any 2020 social activists.

There will be a low turnout in the 2021 New Bedford elections because there won't be a mayoral election. For the first time in New Bedford's history, Mayor Jon Mitchell was elected to a 4-year term and won't need to seek re-election until 2023. This means you'll only see elections for At-Large/Ward City Councilors, school committee, and assessor. Voters turn up for mayors, not city councilors.

This low turn out could provide a rare opportunity for people with little name recognition to get elected. I challenge the folks marching, protesting and calling for a change in New Bedford to be that change, and run for office in 2021. As Mahatma Gandhi said, "You must be the change you want to see in the world." That's not going to happen by holding signs and being active on social media. Now is the time to prepare by getting educated on how New Bedford's government works, engage with your elected officials, show up to government meetings, and start to build your base.

Let's hope some take up my challenge.

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# **Honoring John Lewis with “good trouble, necessary trouble”; On the interruption of New Bedford Mayor Mitchell's speech**

*By Erik Andrade.*

Last week community leaders from BREATHE! and From The Community, For The Community New Bedford Black Lives Matter movement decided to honor Congressman John Lewis' legacy by “answering the highest calling of our heart and standing up for what we truly believe in” JUSTICE!

We were shocked to discover that the New Bedford Human Rights Commission had scheduled Jon Mitchell to speak at a local vigil for Congressman John Lewis. We felt that this was completely inappropriate because Mitchell has actively participated in the cover-up of the New Bedford Police murder of a 15-year old child, Malcolm Gracia.

For over eight years Jon Mitchell has advanced the false claim that Tyson Barnes had life-threatening injuries and was stabbed multiple times by Malcolm Gracia, despite clear evidence he was not. As such, we consider it completely reprehensible for Mitchell to invoke Black Lives Matter supporter Congressman John Lewis's memory while denying the call for justice from the local Black Lives Matter movement.

Fittingly, it is Congressman John Lewis' words that inspired us to turn words into actions and make the decision to "get into good trouble, necessary trouble". We decided that it was irresponsible for Jon Mitchell to be allowed to speak at a vigil for Congressman John Lewis while actively denying justice for Malcolm Gracia. As Jon Mitchell got to the podium we positioned ourselves peacefully on the stairs of city hall with posters and began calling out for justice for Malcolm Gracia.

We informed the event's emcee, Rev. David Lima that we would let the program continue for all other speakers however we would not be silent when and if Jon Mitchell attempted to speak. When Rev. Lima asked us to compromise this position, we said certainly we would agree to move off the stairs if Jon Mitchell agreed to simply say "Justice for Malcolm Gracia!"

Jon Mitchell chose not to; so we chose to continue exercising our freedom of speech until Mitchell decided to forfeit. When Rev. Lima informed us that Mitchell would no longer be speaking we obliged and moved a few steps lower.

To our shock, some members of the New Bedford Human Rights Commission and the clergy community decided to find their voice and express outrage at our decision to honor Congressman John Lewis by living the afterlife of his words. Astonishingly, these same voices of critique have been so silent and seemingly at peace with the cover up and murder of Malcolm Gracia.

What if Malcolm's last name matched their own? I imagine any outrage and frustration would be directed a different direction and many would be standing in solidarity with the call for justice for Malcolm Gracia.

Some stated our actions were not peaceful because they disrupted Jon Mitchell's speech. To those of this opinion I would ask them to reflect on Dr. Martin Luther King Jr.'s

quote “True peace is not merely the absence of tension; it is the presence of justice.” So where there is no justice there is no peace. We are actively calling for justice and in that we are calling for peace.

We really read Congressman John Lewis’s editorial and accepted our ability to respond to local injustices with actions and not just theory. Tonight we honored Congressman John Lewis by heeding his reminder that we have a moral obligation to stand up, speak up and speak out against injustices.

Ironically, Jon Mitchell had the nerve to claim in the paper that it was “unfortunate that we expressed our opinion in an irresponsible way”. Jon Mitchell what is unfortunate is the fact that for over eight years you have failed to accept the responsibility to ensure the right to life, the right to liberty, the right to the pursuit of happiness, and the civil rights of all of New Bedford’s citizens including Malcolm Gracia.

Rest In Power Congressman John Lewis and Justice for Malcolm Gracia!

*Have an essay you’d like to share with the New Bedford Guide community? Email [info@newbedfordguide.com](mailto:info@newbedfordguide.com)*

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**OPINION: “Dear Dartmouth School Committee members: ‘I am highly disappointed by**



# your decision to start school with remote learning! ' ”

“Dear School Committee members,

As a concerned parent, I am highly disappointed by your decision to start school with remote learning. Frankly, you did not use any guidelines or recommendations by the state or Governor Baker.

You certainly did not use science or local statistics/trends to guide your decision. Your decision leads me to believe that the driving force for your vote was the administration's inability to implement the proposed hybrid plan in a timely fashion. If that is the case, then shame on you. There is no excuse why other local school districts are able to implement such a plan while Dartmouth sits on its hands and buys some time with remote learning.

When 80% of parents surveyed felt comfortable enough to send their children to school in some capacity, you as administrators take that choice away from these parents. You are cheating the students, parents, teachers, and faculty of Dartmouth I strongly suggest you convene at an earlier date and reconsider your vote.

Sincerely,  
Paul Couto.”

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**OPINION:      Get      ready      New**

# Bedford – higher property taxes are coming in 2021

According to Mayor Mitchell's 2021 budget proposal, costs to City government are going up, state aid is uncertain, and local revenue is in decline. This recipe ensures your property taxes will go up, likely a lot.

On average, homeowners in New Bedford saw an increase of \$220 in 2019 and \$114 in 2020 raising the total average increase to \$334 over the past two years. Unless significant federal or state aid flows to the city, the burden will fall on commercial and residential property owners. The mayor's revenue graph foreshadows an increase in property taxes, but how much is still to be determined:



The New Bedford City Council is currently reviewing the budget and votes on the final budget on August 24. The more they cut, the lower your property taxes increase will likely be – but an increase is coming. Cuts would also mean fewer government services. The biggest issue with municipal government is there isn't much discretionary spending to cut – most of the budget is mandated spending. Cutting services is also unpopular, even during a COVID-19 pandemic. Expect very little cuts, if any, and higher property taxes in the future.

The real fight will be later in the year when City Council and the Assessors office decide who takes it on the chin the most, commercial or residential property owners. Much of it will decide on state and federal aid amounts. Regardless, it will be a burden that will be a tough pill to swallow. Many businesses have either gone away or faced severe revenue shortfalls due to COVID-19 and the restrictions the State has placed on them. Investment property owners are facing an

indefinite rent moratorium. Many homeowners are feeling the pinch of reduced work hours. Higher taxes will be the final straw for a lot of people, but make no mistake, they are coming.

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## **Case #1 for eliminating judicial immunity: Shawn McClinton – kidnapper and rapist**

There's lots of talk about getting rid of qualified immunity for police officers, but what about getting rid of judicial immunity for judges who make decisions that result in death, rape, or violence against the public? Ending judicial immunity for judges is the only way to hold judges accountable and to ensure the victims of judicial negligence get justice.

What is judicial immunity? Per **Law Library**:

"Judicial immunity protects judges from liability for monetary damages in civil court, for acts they perform pursuant to their judicial function. A judge generally has immunity from civil damages if he or she had jurisdiction over the subject matter in issue."

### **Shawn McClinton – kidnapper and rapist**

39-year old **Shawn McClinton** had **two prior rape convictions** and was being held for a third rape charge before he was set free after the Massachusetts Bail Fund posted his \$15,000 bail. He was released on July 15th and arrested and charged for a

fourth rape with a knife three weeks later.

According to the Massachusetts Sex Offender Registry Board, McClinton was convicted of raping and abusing a child in June of 1994 and convicted again of rape in July of 2007. He was arrested yet again and charged with kidnapping, two counts of aggravated rape and assault and battery in 2018. These kidnapping and rape charges were the reasons he was being held before a judge allowed the Massachusetts Bail Fund to bail him out on July 15th.

Suffolk County District Attorney **Rachael Rollins** stated: "This individual has violently and sexually assaulted women and children in the past. His release on July 15th allowed him the opportunity to sexually assault and harm again. And unfortunately, he did. According to its website, the Massachusetts Bail Fund's stated mission is to 'Free Them All' and provide bails of up to \$2,000 in Essex, Suffolk, and Worcester counties.

These bails are often posted for low-level, misdemeanor offenses which end up punishing poor people and not serving any legal or public safety purpose. However, aggravated rape, kidnapping for the purpose of sexual assault, strangulation, and assault and battery with a dangerous weapon are not low-level misdemeanors. They are violent felonies. And the person they bailed out is a sexual predator that hurts and rapes women and children. The Massachusetts Bail Fund posted \$15,000 and set McClinton loose on our community. They don't care that he is a Level 3 sex offender. They don't care that he has raped women and children before. They have no responsibility to or compassion for the victims and survivors of his crimes, or the families that he has destroyed. I do."

The Massachusetts Bail Fund should be held accountable, but so should the judge who decided that a two-time convicted rapist being held on a third violent rape charge should be released on a \$15,000 bond. Judges need to be the adult in the room.

Crazy people that want to abolish bail, prisons, and courts should not get their way by releasing violent people onto the streets to rape, assault, and murder us.

Judges who fail to protect the public should be held accountable. **Contact your legislator** and ask them to get rid of judicial immunity.

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## **No one under 20 years old has died from COVID-19 in Massachusetts**

No one under 20 years old has died from COVID-19 in Massachusetts. Say it with me again, no one under 20 years old has died from COVID-19 in Massachusetts. This needs repeating because there is a panic in Massachusetts that if you send your child to school this year it is a death sentence for your child. It's simply not true.

While **Massachusetts has the third-highest death rate from COVID-19 per 100,000 deaths in the nation**, very few people under 40 years old are dying from it. **According to the CDC, suicide is the second cause of death for people 10-24 years of old**, nearly twice the rate of people 25-44 years old or six times the rate of 45-64. WebMD has a good article on **'Rethinking Youth Suicide Prevention During COVID'** that all parents should read.

As of August 9th, 2020, the **Massachusetts Department of Public Health has reported 8,514 COVID-19 related deaths**, none of them under 20 years old. 52 people under the age of 40 have died from COVID-19. On the flip side, 97.2% of the COVID-19

related deaths in Massachusetts were people 60 and older with the average age of death being 82. 98.2% of people dying were people with preexisting health conditions. Based on the data, there is no question that we need to take extraordinary steps to protect the most vulnerable starting with learning from New York by keeping COVID-19 infected people out of assisted living facilities.

“COVID-19 related” is an important term because health officials count deaths as COVID-19 related as long as the deceased test positive for COVID-19. If a patient was in hospice care for cancer and test positive for COVID-19 at the time of death, it is COVID-19 related – even if they died of cancer.

Dr. Ngozi Ezike, Director of the Illinois Department of Public Health, explained how COVID deaths are classified:

I’ve heard Massachusetts and federal health officials make the same claim. Massachusetts numbers are also totaled by confirmed and probable deaths – meaning a positive test result isn’t even needed to be counted, just that it was probable.

Based on the Massachusetts Department of Public Health data, the elderly population with preexisting health conditions are most at risk from COVID-19, not people under 20. The primary risk for people under 20 is getting infected and then infecting someone more vulnerable to COVID-19. As mentioned, suicide is more of a direct threat to our youth than COVID-19.

Our elected leadership’s strategy should be to protect the most vulnerable while allowing the least vulnerable to go back to work and to a “new normal” way of life in a responsible way. This means continue to social distance, wear a mask, wash your hands as much as possible, get tested when possible or when feeling sick, quarantine when sick with contact tracing/notification and be extremely cautious around friends and family members that are most vulnerable to COVID-19.



Unfortunately in most cases, that also means isolation of the most vulnerable from the rest of the population until herd immunity or mass immunization is achieved.

Yes, Massachusetts is second highest on the list of deaths per 100,000, but that doesn't mean it's time to panic when it comes to our youth. Locking them away for a year could cause more harm than good. No one under 20 years old has died from COVID-19 in Massachusetts. Say it with me again, no one under 20 years old has died from COVID-19 in Massachusetts.

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## **OPINION: City of New Bedford doesn't care about drug-addicted squatter on city-owned property**

The following was submitted to New Bedford Guide:

"I am a resident of the city. About a year ago someone had abandoned a camper on my street. The tire recycling factory had moved it into a city-owned lot on Washburn so they were able to able to maneuver their large vehicles.

A few months ago a cop had shown up to my home asking about it stating they have found drug paraphernalia in it and asking if I had known who the owner was. So about a week later, a man began to reside there full-time, he was very clearly drug-addicted, going through withdrawals, and rushing out of the camper to violently vomit.

I called them, dispatch had told me they were very busy, but

that they could see if they had someone they could send later. It took three days for anyone to come to ask him to leave. The squatter came back and is here on a fairly regular basis so I can say I have honestly lost my faith in how New Bedford Police handle things. I don't call anymore because I am wasting my time.

About three weeks, someone working for the city slapped another violation sticker on the camper. So at our wit's end, my husband went over to speak with the man. He told him they found the owner it was someone in Westport and it would be towed within two weeks. Well, it has been more than two weeks.

I woke up two days ago to find our 'neighbor' and a prostitute crawling into it at 1:30 am. I spent the following day on my lunch calling city hall getting transferred from department to department until finally, I ended up at some division of the police department. The officer had told me that the lot was privately owned so nothing could be done. I had in fact confirmed today out of spite that the lot was city-owned. He asked why if there is an ongoing issue that I would not call. I explained that if it takes three days for a response time I don't really see the point.

After discovering the lot was city-owned today. I called around from department to department. Apparently this nuisance is not the responsibility of any department. The only person that was super helpful suggested I contact the mayor's office and any city council member I could.

Reminded me the squeaky wheel gets the job done. I called the mayors office later, I got a full voicemail. So here I am my absolute last resort."

