

**City of Worcester Human Rights Commission Minutes**  
**VIRTUAL MEETING – Monday, March 1, 2021, 6:00pm**

**Members Present:** LaToya Lewis, Jacqueline Yang, Edward G. Robinson, Elizabeth O’Callahan, Lauren De Oliveira, Guillermo Creamer Jr.,

**Members Absent:** Aaron Richman, Lilian Chukwurah, Deidre Padgett

**Staff:** Jayna Turchek, Miriam Nyante, Alyssa Parker-Szabo (legal intern for HRAO)

**Guests:**

Biodun Akande, (AKA Mr. B) Worcester Consumer Rights Program  
Robin Schwartz, Worcester Consumer Rights Program

**1. Call to order and introductions**

A quorum was established, and Chairperson Yang called to order at 6:05pm. The Chairperson welcomes members of the commission and those present and introductions of those in attendance as well as roll call were taken.

Chairperson Yang began with an acknowledgement of the traditional, ancestral, territory of the Nipmuc Nation, the first people of Massachusetts and those who’s land we are convening on tonight. While the Nipmuc history predates written history, records from the 1600s inform us that the original inhabitants of Worcester dwelled principally in three locations: Pakachoag, Tatasset (Tatnuck), and Wigwam Hill (N. Lake Ave). It is important to make this acknowledgment and to honor the ancestors that have come before us. It is all too easy to live in a land without ever hearing the traditional names and the history of the people who first resided and prospered in these lands and continue to reside and prosper.

The Human Rights Commission was established to promote the city’s human rights policies. It is the policy of the City to assure equal access, for every individual, to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals in the city. Our work requires us to address institutional racism so that as a community we can achieve racial equity. Our work also requires us to make visible the unheard, unearned, and unquestioned privilege enjoyed by some members of our community to the detriment of others. We take time to make this acknowledgement, to educate, so a path can be cleared for healing.

The term “**institutional racism**” refers specifically to the ways in which institutional policies create difference outcomes for different racial groups. The institutional polices may never mention any racial group, but their effect is to create advantages for whites and the oppression and disadvantage for people from groups classified as people of color.

The term “**racial equity**” is the active state in which race does not determine one’s livelihood or success. It is achieved through proactive work to address root causes of inequalities to improve outcomes for all individuals. That is, through the elimination or shifting of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or fail to eliminate them.

The term “**privilege**” describes the unearned social power and informal institutions of society to all members of a dominant group. For example: “white privilege” and “male privilege.” Privilege is usually invisible to those who have it because we are trained to not see it but nevertheless it puts them at an advantage those who do not have it.

## **2. Approval of February 1, 2020 meeting minutes**

<http://www.worcesterma.gov/agendas-minutes/boards-commissions/human-rights-commission/2021/20210201.pdf>

LaToya Lewis motioned to approve the minutes as written. Robinson seconded. Motion passed with all in favor.

## **3. Annual Presentation from the Worcester Consumer Rights Program**

The Worcester Consumer Rights Program is located in the Worcester Human Rights and Accessibility office at the Worcester City Hall. The program works in cooperation with the Massachusetts Attorney General’s Office (AGO) to provide to provide mediation to consumers who are involved in a complaint against a business that is licenses to operate in Massachusetts. This week is National Consumer Protection week, and the Worcester Consumer Rights Program is here to share about their work, so we are all informed.

Mr. B provided a slide show presentation which can be available to the public upon request to the Commission.

The Worcester Consumer Rights Program is a consumer advocacy group that is fully funded by the AGO to promote awareness, education and intervention in consumer disputes and assist in finding common resolutions. The program is voluntary and does not carry any cost to either the consumer or the business. These businesses may not necessarily be located in Massachusetts.

Many of the cases that the Program receive originate from the AGO. Some of these cases may also be forwarded to the AGO by other states’ AGOs because either the consumer or the business is located in Massachusetts. Some cases are forwarded by other bodies that are similar to, or doing the same job as, the AGO, to advocate on behalf of consumers such as the Federal Trade Commission (FTC).

Some of the areas covered by the Program are car sales and financing (for example: when consumers are not able to find a resolution with a dealership regarding a high interest rate),

defective products, home improvement contractors, debt collection, and just about anything else that can be classified as consumer issues.

Last year was a particularly challenging year for every one of us and so the Program, while working from home, tended to many incoming consumer complaints. It was a year that had many more complaints for assorted reasons.

### **FTC COVID-19 and Stimulus Report Overview**

The FTC report covering from January 1<sup>st</sup>, 2020 to February 25<sup>th</sup>, 2021 shows approximately 365,000 complaints nationwide. About \$352,000,000.00 of fraud accounting for 195,000 complaints reported to the FTC. Identity Theft accounted for 56,410 complaints. Of the fraud reports, about 45,000 are from online shopping. Fraud can account for anything as simple as consumers giving their money to a vender and that business refusing to provide the agreed upon service. In Massachusetts, there was about 11,000 reports and about \$5,460,000.00 in total fraud loss. Of those reports, 27.5% indicate a loss, meaning that 27.5% of the total was not able to returned to the consumer.

The work of the Program is especially important. The Program is often the last resort for individuals who are not able to go to small claims court, especially when looking back at 2020 where all the courts were put on hold making it nearly impossible to file a claim in small claims court and get any kind of resolution within a reasonable period of time.

Of the various contact methods (phone, email, text, mail, social media, etc.) email is the most used means of connecting with consumers. For example, someone may be online and see an advertisement for a dress. They order the dress and what they receive, if anything at all, is not what was advertised. Then, the consumer cannot find where the business is located, or the business will completely refuse to return their money back to the consumer. Email connections accounted for approximately \$32,000,000.00 in consumer fraud. Phone calls, such as people pretending the represent the IRS or Social Security, represents about \$25,000,000.00 in consumer fraud. As for payment methods, credit card is the main means by which consumers are paying for their products. In these circumstances, consumers are often left with defective or unusable products and are required to pay back their credit card companies. Bank transfer payments only account for about 15,000 cases but represent about \$29,000,000.00 in fraud out of consumer pockets across the U.S.

As the Program progresses, its goal is advocate for consumers as these cases come to them, the educate consumers so that when they see the stunning numbers reported by the FTC, it will be come apparent that we all need to be more careful before getting involved in transactions.

Age groups: Those 19 years old and under account for \$3,600,000.00 in fraud, but those aged 60-69 account for \$56,000,000.00 and about 11,500 reports. Individuals aged 80 and over account for 1,201 reports and about \$5,100,000.00.

In the Worcester area there was 6,240 reports. The top five fraud categories were: (1) Imposter Scams (2) Online Shopping and Negative Reviews, (3) Internet Services, (4) Prizes, Sweepstakes and Lotteries, and (5) Telephone and Mobile Services. There are a large number of citizens in Worcester that fall for many of these scams/frauds. The most common type of theft reported in these complaints was Government Documents or Benefits Fraud.

### **Program Specific Results for Fiscal Year 2020**

The Worcester Consumer Rights Program worked and closed 607 cases. Not every case will result in returned money to the complainant. Some complaints do not involve money, there may be some other return. These cases resulted in a return of \$246,500.00 to consumers in Worcester. The average complaint time in advocacy is 30 days. Because of COVID-19 a lot of businesses were not operating in their normal fashion which led to a delay in connecting with some businesses. Some businesses were closed and may stay closed indefinitely due to COVID-19 which means those complaints may not be able to result and money may not be able to be returned to those complaints.

### **National Consumer Protection Week**

February 28-March 6, 2021 is National Consumer Protection week, an FTC initiative. AGOs across the nation join and celebrate this week. The Program will celebrate while maintaining social distancing by having a dedicated phone line that consumers can dial to ask questions, get educated.

It is not unusual for the Program to receive calls in the office from consumers who need direction on how to address a specific action. There is about 2,000 consumers in the Program database from either the dedicated line, the National Consumer Protection Flyer, online or the AGO.

### **Useful tips:**

Know your credit score before applying for a loan

[www.annualcreditreport.com](http://www.annualcreditreport.com)

Search the vehicle history report before you make a purchase

Ask dealer to provide a free report

[www.carfax.com](http://www.carfax.com)

[www.nicb.org](http://www.nicb.org)

Report or dispute any unusual activity on your credit report immediately

Equifax: 888-202-4025

TransUnion: 855-681-3169

Experian: 888-397-3742

Verify that your contractor is licensed in MA  
[www.mas.gov/ocabr/licensee](http://www.mas.gov/ocabr/licensee)

Report unfair business practices  
[www.bbb.org/central-western-massachusetts](http://www.bbb.org/central-western-massachusetts)  
[www.consumerfinance.gov/complaint](http://www.consumerfinance.gov/complaint)

*Get your warranty information before making a purchase*

**Questions:**

Commissioner O’Callahan:

Absent Covid-19, has there been any interfacing with the All-Cities Neighborhood meetings? Those may be opportunities for educating the city residents who might be interested in learning how to protect themselves.

*Yes. We have tried to engage the senior center in Shrewsbury and in Dudley. We would like to engage other cities and really let them know what the Program stands for. Email seems to be the better means to communicate with individuals.*

Chairperson Yang:

Can you provide us with your number so that people who are listening can contact you?

*508-799-8486 ext. 31325 Monday-Friday 9am-12pm*

<http://www.worcesterma.gov/human-rights/know-your-rights/consumer-rights>

**4. Development and approval of follow up questions for the Worcester Police Department in preparation for their next appearance at the Commission (date TBD this spring)**

Chairperson Yang read the following pre-drafted questions and the Human Rights Committee discussed each of the questions as needed.

**Questions/requests for information:**

1. Request in writing to the Worcester Police Department a report answering the following question:

- A. How many people have been arrested for prostitution and solicitation in the last two years? [Amend to 5 or 10yrs?]
- B. Provide the racial data for those arrests within that report. (February 1, 2021 HRC Mtg)
- C. Racial data for those being let go? (Submitted by Commissioner De Oliveira)
- D. How many people were arrested for prostitution and how many for solicitation? (Submitted by Commissioner O’Callahan)

2. How many incidents triggering the Early Intervention System have been sent to the City Manager in the last 5 years? (December 7, 2020)

3. Prior to COVID-19 victims of crimes faced barriers receiving their incident reports and log records.

A. How can victims of crimes access a copy of their unredacted police report (i.e. not have to make request through the open data request portal which is the only published avenue on the city website)? (December 7, 2020)

B. There are other cities in the state that provide for online requests for incident reports for domestic violence victims that can be made personally or their attorney representative. Can this be an option in Worcester?

- Can we remove the barrier of a notarized letter for domestic violence victims?
- Why is this the process?

C. It has been reported that some residents have been told an incident report was not created. What instances would justify not having an incident report generated?

4. With regard to the use of drone technology, although the department stated to the Commission it doesn't own drones,

A. Does the Worcester Police Department 1. lease drones, 2. contract with or collaborate with third parties in the use of drones, or 3. obtain information from drones as part of your operations?

B. What policy references the use of such equipment/information?

5. Would the Department consider implementing a policy on trauma informed policing?

6. How does the Department deal with police calls that are generated to racially profile/ based solely on the person's race/perceived race?

**Questions submitted by Commissioner Lewis during the meeting:**

- How does the WPD conduct prostitution stings, if they are conducted and how often they are conducted?
- Have any of those who have been arrested for prostitution ever identified as victims of human trafficking? Is there a way for the police to identify those who are victims?
- How would the Human Rights Commission, and the public, become knowledgeable about instances where the individual was arrested for prostitution, but the solicitor was let go? What would be the rationale for not arresting the solicitor?
- Who are the traffickers? Are they gang affiliated? Law officials?
- What are the numbers for our community?

**Questions by Commissioner O'Callahan during the meeting:**

- Can police identify crime statistics for solicitation v. those purchasing?
- How is the police department addressing human trafficking and assisting women who are victims of commercial sexual exploitation?
- How does WPD practice trauma informed policing during interactions? Any specific policy for trauma informed policing?

- What policies are in place to prevent further traumatizing a victim during an interaction with police?
- What programs or policies does WPD have in place to collaborate with community partners regarding (1) the prevention, (2) to intervention or identification or risk factors of human trafficking and (3) helping trafficked women to escape commercial sexual exploitation?
- What resources do WPD have, and what do they need, to address human trafficking in the city of Worcester?
- Would the WPD be willing to make changes to their early intervention program for police officers with complaints against them? Categories for infractions? How many times can a single officer trigger the early intervention before further action is needed?

**Questions from the Public:**

Kevin Ksen: Captain Davenport matter-of-factly dropped that there was a police officer with 26 complaints against them: (1) is the Chief willing to release the name of that officer and to release the information regarding those complaints and investigative material to the HRC? (2) Has the Chief notified the city manager of the officer with the 26 complaints? At what point does or what triggers exist for the notification of the city manager?

**Comments/Questions from Commissioners:**

Commissioner O’Callahan: Captain Davenport spoke in December about this and said something to the effect of the city manager is not notified unless there is a substantiated complaint that results in a suspension of 5 or more days. He also said that multiple complaints can be made at one time.

Commissioner De Oliveira: how were these 26 complaints spread out through the course of the officer’s employment?

The questions presented at the meeting will be added to the existing list, either by incorporation to an existing question or independently to be presented to the Worcester Police Department.

Motion by Commissioner Lewis to request city manager sit in on the next meeting with WPD. Seconded by Commissioner Creamer. All in favor. Motion approved.

Motion to approve the questions to be relayed to Chief Sergeant made by Chairperson Yang. Seconded by Commissioner Roberts. All in favor. Motion approved.

**5. NOTICE: City Counsel February 23, 2021, Item 9.39A**

Transmitting informational communication relative to proposed reforms and an executive order that acknowledges structural changes that will assist with eradicating institutional racism.

<http://www.worcesterma.gov/agendas-minutes/city-council/2021/20210223.htm>

The Commission has been asked to host 5 listening sessions in collaboration with the WPD, within the community, to hear feedback on body-cameras. This work will be conducted within the coming year.

There is a state report due out by the end of July 2022 regarding permanent and special task forces or legislative commissions, one of which is regards body-cameras.

**7. Public Comment:**

Kevin Ksen: Regarding policy around bodycams. Community groups are putting forward specific requests: (1) Police should not be in charge of the body cams. (2) Police should not have access to the video footage and (3) all body cam footage should be public record and available to the public.

**8. Adjournment at 7:34pm. Next Meeting: Monday April 5, 2021, 6:00pm.**