

City of Worcester Human Rights Commission Minutes
VIRTUAL & IN-PERSON MEETING – Monday, September 27, 2021, 6:00pm
District 3 Listening Session on Police Body Cameras
In person at Worcester Senior Center, 128 Providence St, Worcester and Zoom
ASL and Spanish interpretation provided

Video available: <https://play.champds.com/worcesterma/event/970>

Members Present: Jacqueline Yang, Elizabeth O’Callahan, Guillermo Creamer Jr, Jorge Lopez-Alvarez, Edward G. Robinson, LaToya Lewis, Lilian Chukwurah

Members Absent: Deidre Padgett

Staff: Jayna Turcek

Guests:

George Russell, City Councilor of District 3

Lt. Sean Murtha, Worcester Police Department

Attorney Janice Thompson, City of Worcester Law Department

Background documents

- www.worcesterma.gov/uploads/05/50/05505ce4e1caaaeb8993a5e5daf65bdd/body-worn-cameras-pilot-report.pdf
- www.worcesterma.gov/wpd-policy-manual/operations/body-worn-cameras.pdf
- www.worcesterma.gov/agendas-minutes/boards-commissions/human-rights-commission/2021/20210712.pdf
- <https://play.champds.com/worcesterma/event/891>

1. Call to order and Introductions

A quorum was established, and Chairperson Yang called to order. 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, Tatesset (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 policies 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 against those who do not have it.

2. Public Comment

District 3 City Councilor George Russell: Madam Chairwoman, I, first of all, want to thank each one of you for your efforts as members of this commission. I remember, before I was a City Councilor, I spent many years on the Worcester Planning Board and, I remember, it is not an easy task, especially in a volunteer position, when folks are coming to you, looking for guidance and leadership and that will not get you any money or help sometime either. At least our administration, today, backs us up with staff or the various different boards with staff and with all kinds of assistance around. So, I am happy about that. I just want to thank each one of you for your contributions to your community because I know, on a personal level, it is not an easy task to do. Tonight, I was invited to come join you and listen in about the body cameras. I don't come with any specific agenda or list of things that I would like to have done other than the things that I have previously spoken about on the Council Floor. On the Council Floor, I said that I, and I think the rest of the council, look forward to a time where we have a body camera program. To be honest with you, when the budget process was unfolding this year, I was a little bit surprised to see that we did not have body cameras. I thought we had started a pilot program that would end up being a more widespread program and that that was the beginnings of the program, as opposed to just borrowing the equipment and having it for a temporary period to then give it back. I felt bad that I had missed that as a Councilor. I don't think many of my colleagues caught

it either, to be honest with you. I think that, looking forward, I look forward to the day when all our officers have cameras and I have heard one negative comment from all the officers that I have encounter. I think they are all eager to have the body cameras too. It's a matter of getting it done. We, on the Councilor level, have authorized a manager to put aside some money to seed the program. I know the manager had concerns about some of the state mandates and if some of those would change after we implement the program and I think that is why he switched gears and started listening to the public first to then come up with specific thing because, hopefully, by then the state should come up with their specific guidelines on the body cameras. On a personal level, I had a council item... sometimes I am noted for being one of the more frugal members, fiscally, of the City Council. Sometimes in a good way and sometimes in a not so good way. I had seen that we were working exclusively with one body camera company and putting in other equipment with that, I suggested that those are things we might want to separate. I am all ears and maybe something that I don't know about. Maybe the police department, who is represented here today, or even the law department can enlighten me on it, I am here to listen. My concern was, at that time, that for a bid process, the numbers change so often. When we started this conversation, watching the numbers was like watching an auction. Every time we had a meeting the numbers were projected as being different by millions of dollars. I suggested that, if we need other equipment, that it should be something we purchase separately. Whether it be cell phones, stun guns, or radar equipment, or anything else. And we should try to do the body cameras separately. The reason for that was to hopefully get many companies to show the city what they had and to do their presentations as opposed to just working with one specific company, especially if you put in the bid that you will only accept if the offer has widgets and body cameras. If there is only one company that sells both widgets and body cameras then you will only get one bid. That was my only real concern. My district goes from Holy Cross College all the way to Lake Ave in the southeast corner of the city. It is a part of the city that enjoys wonderful coverage from police officers on a daily basis. Everything is not rosy. We have had mostly neighborhood issues about noise, traffic and speeding and it is something that they try to address on a case-by-case basis. We have a good working relationship with them and I think that the body cameras will help increase that. I am here. I am hopeful. I am willing to listen and I am here to learn. Thank you for having me.

Chairperson Yang: Thank you for acknowledging the work we do and thank you for your work as well. I actually live in your district. We are going to open this up to the community. The purpose of this community listening session is to hear directly from community members.

Bill Colman: I've been a very active community member for a long time and, although we don't have a full house here, the community is very interested in this. As I have attended churches and spoken with groups on various different bases, even Dunkin Donuts, what affects us nationally, affects us locally. Nationally there has been quite a few conversations about body cameras. We have actually seen body cameras in work all around this country. It affects people locally. People are sometimes intimidated to come to meetings like this to talk about their feelings around body cameras and the police department because they fear retaliation. I just say that as a person who has been politically active in this community since 1976, so before most of you were born. I know the people who are intimidated, and I know the people who have grown up, and been lucky

to do so, with police presence within their families, sometimes a generational police presence. From the days of Lt. Rutherford, an African American police lieutenant who served in Worcester and the biggest thing he would say to people, which was more intimidating than “stop, I am going to arrest you” was “stop. I’m going to tell your mother,” and people would say “no! don’t tell my mother, just take me!” Thinking about our history, and we are challenged today by our history, recently some press came out in the newspaper about the Commission Against Discrimination in Boston finding Worcester at fault for practices in hiring and promotion. Sgt. Spencer Tatum and Officer Harris, who sadly passed away, we have to read about that and get the backlash from all over the country and sometimes around the state about Worcester. Then sometimes you hear stories, and this is a fact, from 1954 until 1974 the Worcester Police Department did not hire any people of color. The first black police officer was hired in 1948 and another in 1949 then again in 1953, just before 1954. But for 20 years we did not hire then we hired a few folks. So, we have a history in this community, that is documented, people can go back and look. Sadly, we are losing some of the oral histories of the African Americans and Nipmuc community that remembers these things. During the 80’s people talk about young men from Clark University and College of the Holy Cross would be walking down Main Street and be pulled over, frisked, routine check, and you hear the stories about cars being stopped, or if you dated or were friends with a police officer’s daughter or something like that, sometimes you got a little retaliation. That happened. To know our history is to know our future. Now, the idea of bodycams, and how they are perceived around the country, and how we are looking at them in the city of Worcester. We are looking at bodycams for two reasons (1) to protect the police officers against unnecessary accusations that may be false and (2) we want to make sure the public is aware that these are vitally important tools to put in the arsenal to help police officers but also to make us feel more safe. It is a tough job being a police officer, our police department has a tough job. Our first responders have an incredibly tough job. I looked at our police department, built in the 70’s, antiquated, we need a new one. We need district opportunities within our communities so we can have more promotion opportunities. I see young police officers of color, I see them wearing their stripes, and I think about all the hard work that went in for that to happen. Every time there is a news report and I see Officer Murtha giving the official word and I look at the challenges in our community. I think, just because we don’t have a full house here, I want to tell you that this is a very important subject that is being discussed in the churches and in the groups, and why people are so intimidated to come out and say, “I support this.” It would have been great, if when we had the pilot program, some of the body camera footage that was taken back then could be utilized as an informational session on some of our local cable tv to show the folks what we did a couple of years ago, this is some of the actual film footage of an officer stopping someone, making sure Miranda rights are read if necessary. That you see people intoxicated or under influence putting the life of the police officer at threat. We are about 50-60 police officers down from what we should be. The city of Springfield, MA has more police officers than the city of Worcester with the bigger population. We are the second largest city in New England. Springfield was under receivership a couple years ago and they just went barebones with what they needed to do and they got it done and now they have more police officers and they have a public safety environment as opposed to a police department. There are a lot of voices out here that are not being heard, but the feelings of those voices, from young kids in the high schools. I taught in the schools after I retired from UMass Amherst and when we had

officers in the schools, I saw the positive relationships between some of those kids and some of the police officers. Thinking back to Detective Rutherford and the relationships he had, like Tatum and Harris, they could go into a crowd, even if it was a gang group, and look at one or two people and say, “you. I’m going to call your aunt.” That was that street connection we had and I don’t know that we have it anymore. I look forward to two more classes and I look forward to the police officers willing to retire and the challenge that we are putting on our new officers, our new public safety individuals, that are going to be protecting our city as it expands. The public safety officers that will be serving and protecting our future communities are going to be challenged more than ever before. We also want to attract individuals, born and raised here, to serve the police and fire department. To serve as first responders of our community. We want to have a community that is receptive but also aware of its history and aware of what is being talked about in the city of Worcester, outside of our city of Worcester. When Boston tries to make fun of us, we look at Boston and say, “you guys have issues.” Boston has to settle a 1.5-million-dollar, twenty-seven year fight for justice for two black police officers and one did not make it. I recently asked the City Council if they would hold a special ceremony pinning Sgt. Spencer Tatum as he should have been pinned 27 years ago and we missed out on that opportunity of maybe having a Captain or Deputy Chief. But the work before you, and I cannot emphasize enough, is so important. Your listening sessions. But realize this, body cameras, although once funded through a pilot program, we need to make the commitment to fund it now so our folks can feel safe and our police officers can feel real safe. If everybody does what they need to do we are going to have a safe city. Things will come up, but we are going to have a safe city. I admire the work you are doing, the volunteerism, the dedication. Those in the Worcester Police Department, those in the law department, keeping an eye on things. Seeing George Russell here knowing that he is one of the City Councilors that does detail to the point, and he will go back and advocate when the funding process comes and as he meets with the City Manager. Thank you for the opportunity of being able to address you with a little bit of history. This is important. People want this but we also want to protect our police officers and our community, and we want to grow.

Chairperson Yang: Thank you. I just wanted to ask WPD, can you explain the bid process? Also, have you guys already committed to using a company for the cameras?

Lt. Murtha: I am not the best person to explain the bidding process. Someone from the finance department at City Hall would know much more about it. I can say there has been no selection of company yet. I have heard presentations from at least 3, possibly 4, companies, so far. Exactly how it works, the details of it, you would have to ask them. My understanding is we are going to hear presentations from everybody, if there are certain things, we absolutely cannot live without then those would be things we ask for and if a company can provide that then they can bid. It would be a competitive process though.

Chairperson Yang: Members of the public are invited to share their thoughts and recommendations on the implementation of a body camera program. Some questions include:

- What are the benefits of a Body Camera Program?
- What officers should use them?

- When should body cameras be used?

We have Senator Michael Moore in the building. We just want to recognize you. Thank you for coming. Also:

- Who in the Police Department should have access to video footage?

These are some of the questions that have been , posed. I don't know if anyone from the community has any recommendations, questions, concerns around these questions.

- What kind of access should the public have to view footage?
- What types of instances should be public record?
- What recommendations for providing notice to the community when the Body Camera Program is implemented?

George Russell: Those are some great questions and hopefully the police department can give us some input on what they are thinking but its all good questions because when you think about body cameras, the footage is evidence and evidence is always in the custody of the police department. But then again, since it is evidence that is going to help an officer, maybe defend himself if he is accused of something, maybe the police department may want to have someone else, a third party or another agency, be the keeper of the records so no body accuses them of a conflict of interest. I am just throwing that out for discussion, I am not advocating one way or the other. I am just looking for some guidance from both the law department and the police department.

Lt. Murtha: The way it worked in the pilot program, and would be likely to work in a full implementation, would be basically the camera records all the incidents you are involved in, during the shift if you report back to the station or at the end of shift, you attach it to a docking bay and at that point it would be uploaded to the cloud where it would be held by a third party. In the case of the pilot program, it was Axxon. So, they have a website evidence.com where the video footage is automatically uploaded, and the original uploaded video cannot be changed by anybody. Before it goes in the docking bay, let's say the camera got destroyed, it would not go to the cloud but once it goes in the docking bay it cannot be deleted or changed or anything like that. It is held by them; it is secure and they have a top tech service team making sure no one can hack in. Basically, that is how it works. The footage would not be held at the station by us.

Attorney Janice Thompson: If I might address the question in terms of the Keeper of the Records. In terms of legally having custody of the records, because the city has produced the record and has access to that record, we are still considered to possess that record. For purposes of the Public Records Law, which is one of the common questions surrounding body worn cameras and the footage, the city is considered to legally possess that record.

George Russell: The bottom line is, is it a public record when we are done. When it is loaded up to evidence.com can anybody see it or do you need to get special authorization or is it not treated like any other public document?

Attorney Janice Thompson: Yes. It is a public record. It is not accessible to the public once it is uploaded. That is not a publicly accessible forum. Someone would still have to submit a public

records request for that record to be produced. But in terms of custody of the record, legally, keeper of the record would still be the city. The city would have produced that record and then provided it to that third party provider to hold. We would obviously have a contract in place that they would maintain the record for us. That vendor would hold the record for us, but legally the city would still be the keeper of that record so we would produce those records in response to public records requests, assuming that they are producible and not subject to any exemptions.

Commissioner Creamer: One of the questions I have heard out there is: is there a timeframe for when footage would be released? For example, is there an expectation, if an incident does occur where people want to see the footage, how long of a turn around would that be or is the response going to be “that’s an ongoing investigation we cannot release it yet.” I’m curious if that is something we have thought about yet.

Attorney Janice Thompson: I can answer in terms of when a public records request is made. There are statutory requirements that we have to comply with. So, we must provide an initial response within 10 business days. Then we have to at least evaluate whether we possess a record, and whether that record is subject to disclosure within that first 10 business days. But and I know this is not a satisfying answer, it depends on that specific incident. The circumstances surrounding the incident would dictate whether or not that record is subject to disclosure or if there is some reason that record would need to be withheld pending some extenuating circumstances, ongoing investigation, or something that would require it to be withheld either indefinitely or for some more discrete period of time. Lt. Murtha would you like to expand on that at all.

Lt. Murtha: Sure. First, going back to the Councilor’s question, the website evidence.com is not publicly accessible. The way it would work if someone made a public records request, let’s say there was something public that there were certain things in it that is inappropriate to send out (i.e. the faces of children), that would be redacted and a link would be sent to the requester bringing them to a public part of evidence.com where they could see the redacted video. Now, if we redact a video, the original video still exists. It does not delete anything; it just creates an additional video with the parts blurred out that would not be appropriate to release or that would be against the law in some cases. The idea is that they are all public records unless there is a specific reason they are not. For example, a domestic incident or sexual assault would not go out. Statutorily, it would be illegal to release those. But the majority of them, unless there is a special reason, would be public records and if someone made a request they would have 10 business days to respond.

Chairperson Yang: I think we talked about this at one of the other listening sessions, but I was reviewing the recommendations from the ACLU and one thing that stood out to them from the pilot program, it said “it is a significant concern for us, that allowing officers to access the video to draft incident reports.” So, if there is an incident, officers are allowed review the footage and then write their report? Is that something that WPD is doing?

Lt. Murtha: We are not currently doing anything because we don't have an existing program. We had the pilot program and we will have policy in place for full implementation when that does happen. But on that point, our position would be that we want the officers to be able to review the video. I think it is important because it is a piece of evidence and we want to take everything into account to make the most accurate report possible, including the video recording the whole thing. Memory is imperfect sometimes. I think being able to watch the video will give a better picture of everything and will cause the best report to be written.

Chairperson Yang: So, from his findings, the ACLU, it just said "having an officer review the footage is a significant concern. From our prospective, officers should write the report based on their understanding and recollection of what happened and if there is a need for supplement after having reviewed the recording, that can be filed." It says, "what we are concerned about as civil rights and civil liberties activists are officers curtailing the initial draft to fit what the video shows." That was one of their recommendations and you are saying that you will allow officers to review the videos prior to writing a report?

Lt. Murtha: That was the process during the pilot. During the pilot, if there was a use of force, the office would write their memory down and then go write a supplement with anything new they saw from the video. For other calls, that did not involve the use of force, they were allowed to review the video. They did not have to review the video. One issue with the body cameras is that we want officers to be out in the community responding to calls, making contacts, not sitting watching video all day. But there are times where we think, especially if there is a critical incident, it is worth taking the time to watch the video. We encouraged them during the pilot to watch the videos for arrests but if they go on 3-4 hours of calls during the day and they recorded the whole thing, even if they write a report, they are not going to watch the video for every single call, generally. For arrests and, certainly, uses of force, they were required to for those after they wrote the report they watched the video and supplemented it with anything useful. I think having the ability to review the video is useful for the officers just to have the best report possible. We are going to make a separate policy for the implementation of body cameras, it will not be exactly the same but that is one of the things we are going to talk about. There are different schools of thought on watching the videos.

Chairperson Yang: Are you guys going to be reviewing the recommendations from the ACLU and maybe going by those guidelines?

Lt Murtha: We will certainly review all of the recommendations we get. I am not sure what is going to be the final answer but we will review it.

Commissioner Creamer: The question I get constantly from individuals is: officers who take the video, they never have editing access to these videos, correct?

Lt. Murtha: Correct.

Commissioner Creamer: I think finding a way to ensure the public that that is the case I think is going to be needed. I think that is the big thing, the misconception that some people have.

Lt. Murtha: Once the video goes to the dock whatever is captured goes directly to the cloud. It cannot be altered by anybody. The officer who took the video will never have access to redact the video in anyway. The only person who has access, whether it is a police officer or city employee for public records requests, whomever ends up doing the editing for public records requests will likely be the only one who redacts the videos. It is not going to be the officer who takes it. They would never be involved with their own video at all.

Chairperson Yang: The original video without redaction is retained. That is helpful. You may have answered this already but how long are the videos kept?

Lt. Murtha: This is going to be another policy question. This is the kind of thing that I expect state guidelines for. It depends on the type of incident. There are different ways of doing it. For something like a murder, those videos should be kept forever. For things like a traffic stop there are different schools of thought on it, some say 30 days some say whatever the complaint time for people to make a complaint about that kind of thing but we will probably come up with a policy for that. If the state gives guidance we will follow theirs. The software makes it easy to code the incident so it can be reported as the time as a traffic stop or arrest with use of force and you can make it a setting so it automatically keeps it for the right amount of time.

Gordon Davis: I have three recommendations that I sent to Mrs. Turchek. The first one is more of a question. In the police pilot program there was a number of 486 body worn cameras. Is that figure enough for the officers who interact with, in could be an adverse way, with the public? The second one is that I noticed there was a figure given for what would be needed, but it included tasers. I would recommend that tasers are taken out of that calculation and that only the bodycams and their related mechanisms be included in that budget which should then be recalculated. The third thing is that it was not specific what any discipline action would be given to any police officer who violated protocol. I would think that those things: (1) a determination of how many cameras are actually needed for officers interacting with the public in an adverse manner, (2) the tasers taken out of the calculation for the budget, (3) it should be specific about what disciplinary actions would be appropriate for officers who did not comply with the protocols. That's about all for now.

Lt. Murtha: Thank you. I can address those three points. Regarding the one about how many officers will have the cameras: The pilot program was just 20, it was a small group that piloted the technology. For full implementation, really it's the more cameras the better. It will come down to what the council wants to fund. It is a money issue, how many will get them. Certainly, for some officers the bang for the buck for the cameras will be better than with others. I use the example of someone within the gang unit who is making arrests and making stops compared to someone in the computer crimes unit who spends less time doing those things. The counter-argument would be that everyone who is a police officer would potentially have to take police action at any time, even if their assignment does not tend to bring them into those situations as

often. I think there is some benefit to every officer having a camera, but, certainly, the benefit is greater for some than others. It is a question of the trade off versus the cost and that would be determined by the Council and the Manager. We got several different quotes and some of the department tasers were aging. They were getting older and had to be replaced and the company, Axxon, who did the pilot program, gave us those quotes. Now, the city has received quotes from other vendors also. This is not the end all be all. This is just the quote we received from the company we did the pilot program with. They also make tasers and there is a significant discount, something like 30% or 25%, for bundling them together. So, if we did end up going with them, that would be one way to save some money. That is a separate issue and can be debated separately. How many officers should have tasers is completely separate. If the department did decide to refresh those, this would be a cheaper way to do so. That is why that is listed. We also got quotes without tasers. That is something, again, that we can debate about later; the number of tasers the department should have. For the pilot program there was a policy. This is brand new for all the officers who volunteered for this and this was all volunteer, no one was forced to be in the pilot program. So, we had this idea that we did not want to punish these volunteers for, say forgetting to turn on the video the first day having the camera because of muscle memory or what they were used to or if they were in the hospital and forgot to turn it off, that kind of thing. So, we did not want to punish the people who signed up by disciplining them for minor things like that. Certainly, someone would tell them that this was the policy and do better next time if it happened, but we did not want to create the incentive for people not to participate in this kind of thing. Now when we do have full implementation that will not be in effect anymore. That will be different. That was just for the pilot because it was brand new and because these were volunteers. Once the technology becomes part of everyone's uniform, officers will be expected to follow the policy and will be subject to discipline if they don't.

Gordon Davis: If I could follow up. Is there anyone working on the budget, or maybe everyone is working on the budget, but last meeting it seemed unclear that anyone was working on the budget. Not the City Council. The police were saying it depended on the amount of money the City Council allocated. No one knew what was going to be given to, recommended to, the manager. It seemed to be a circular route taken in order to get a budget, but there is still no budget. It is not even clear what the process is for that budget.

George Russell: I can address that. Under our charter, the way it works is that the City Manager comes up with proposals for budget items or any expenditure and then the Council can vote it up or vote down. We are prohibited by law, by the charter, from adding money to the budget and even when we see something in the budget that we don't agree on and we want to take it out, under the charter, the way it works is that a City Council is not able to say: "Program A we want to cut by \$100K." We can cut the whole budget by \$100k and recommend to the Manager that that is the reason why we are cutting the whole budget but if the Manager decided to put that \$100k into the program that the Council did not like and take the \$100k from somewhere else, he or she is able to do that at a later date. Planning government is more complicated than it looks from afar. Councilors can give their recommendation to the Manager but ultimately it is his budget that he brings in and the Council votes its up or down. We can deduct from the whole budget but we don't have a line item veto or anything like that.

Commissioner Robinson: How long does the camera take to turn on because if you turn it off and have to turn it on again how many seconds does it take to turn on because the situations can change in a moment's notice?

Lt. Murtha: The camera begins recording immediately and actually it goes back 30 seconds prior to when you push the button, and it is video only for those 30 seconds before. Once you get to work, step out of the building, and turn it on, it is on but not recording although in a sense it is because its recording in a loop and deleting every 30 seconds. So, whenever you turn it on, it goes back 30 seconds, captures those 30 seconds as video only, and once you press the button it records video and audio. So, it is immediate.

Commissioner Robinson: So, if an officer went into someone's house and turned it off at their request but then had to turn it on because the situation became violent the camera would catch the 30 seconds before he or she pressed that button?

Lt. Murtha: Yes.

Commissioner Lewis: In regard to the access of the records, the videos. Once a video is uploaded and an individual puts in a public records request to have access to the video, I know that some videos are redacted for privacy or nature of the case, but in regards to an individual involved in the video, will they have access to the original video or would they have to receive a redacted version.

Attorney Janice Thompson: Through the Public Records process, even a person involved in the case would get a redacted version. Through the Public Records process any requester receives the same version of the video, subject to redactions. Those exemptions and redactions are based on the status of the video, not the status of the requester. If a requester, or any individual, has a right to that record outside of the Public Records process, through a court process as a victim then they may pursue receiving that record through other means but not through the Public Records process.

Commissioner Lewis: I know that you said you have 10 days to respond to the request. Can you just elaborate on that response? Is it by telephone? By mail? How long does an individual have to expect to be able to receive access to the record?

Attorney Janice Thompson: The statute requires that we provide a written response within 10 business days. Depending on how the request is received, most of the requests now are received and processed through the online Public Records Portal, through the city's website but people can also submit requests through the mail, email or verbally. It is more difficult to provide the records if it is a verbal request. We need some method to provide the records. In particular with bodycam footage, I think we would need an email address in order to provide the link to someone. But in terms of the timeline it is 10 days to provide the written response identifying if we possess the records and whether they are subject to disclosure and we attempt to provide that

record within those 10 business days timeframe. We receive a very high volume of records requests for records throughout the city and the police department specifically so in some cases we do have to state that we are going to require an additional number of days, sometimes its an additional 10-15 business days, to prepare the record for disclosure. Depending on extent of the request we would state how much longer we may need in order to provide those records. Normally it would be within the first 10 business days to provide the records. Once the department wide camera program is implemented, we will have to see what happens in terms of the increase in volume of request specifically aimed at body camera footage and what kind of support we have in place to respond to those requests. The statutory requirements limit us, I believe, is a total of 25 business days to provide the records.

Chairperson Yang: To piggy-back on what Latoya had asked you. On average, how many records requests do you receive on a monthly basis?

Attorney Janice Thompson: I could get back to you with that information. I don't want to ballpark that. Between the police department and city-wide it is pretty substantially. I know that at any one time we have hundreds of request pending.

Chairperson Yang: How many staff members process those requests?

Attorney Janice Thompson: We have one records access processor for the city and that is for all departments of the city. Then I am an attorney that assists with that and I have other duties that don't include records. Then there is the records bureau at the police department. There are clerks within the records bureau that also process some of the more straightforward requests for accident reports and things of that nature.

Chairperson Yang: How many clerks?

Lt. Murtha: I don't know, maybe 15-20, but they do other stuff.

Attorney Janice Thompson: Processing records requests is not the full-time job of the clerks in the records bureau. That is just one of the duties that they undertake. As I said, they work on more straightforward requests, but we receive a high volume of complex requests for professional standards records and other records particularly for the police department but throughout the city.

George Russell: I don't know if the administration actually hired the people, but there was more money in the budget this time around for additional staff for that because they were so overwhelmed with requests. It is not just specific instances in the requests its many general requests, at least from what they told us about the process. For example, for the last year or two, we had many discussions and interactions with each other about marijuana facilities that wanted to open up in the city and there was some agencies, federal agencies, that asked for everything pertaining to marijuana. It had been thousands of pieces of paper, emails and whatever. I know it was in the budget process to add staff and that was one of the discussions.

Senator Moore: Just one quick question: Thank you for doing all these hearing to get city input. After you do them is this commission going to do a report on what you find for recommendations?

Chairperson Yang: Yes, we are. Do you want us to email it to you?

Senator Moore: I would love that. Thank you.

Commissioner Robinson: Can someone just request all the records for today or do they need specific reason to request a record?

Attorney Janice Thompson: Yes. A requester does not need a reason to submit a records request and we are not allowed to inquire as to the reason. Most likely, if a request was that broad and with department-wide implementation, then many of those records would be exempt from disclosure because that would include domestic violence and sexual assaults. So, some of those records would not be subject to disclosure. That would be a rather involved request but yes, people could make very broad and burdensome requests for bodycam footage and for other records.

George Russell: is there going to be a charge for providing that to the public?

Attorney Janice Thompson: With the change in the law that when into place in the beginning of 2017 there are very few records we are able to charge for. We are very limited on any charges. We can only charge for redactions required by law and for time spend to locate and compile the records only beyond the first 2 hours of time. For record requests that require more then 2 hours of time we could put together an estimate and if those requests require redactions required by law, which there is a limited set of those (privacy redactions are discretionary redactions, we air on the side of protecting people). In general, the city does not charge for all most all of our public records request responses. That would probably be a policy decision going forward based on the volume and nature of requests going forward. But if we do get a request that is burdensome and the requester does not want to work with the city to narrow that request to something more reasonable then that would be a situation where perhaps we would consider providing them with a fee estimate.

Lt. Murtha: Just a quick comment on requests like that. The way it would work is that someone would have to watch every one of those videos. If every officer had a camera it could be something like 150 hours of video in one day. Somebody would have to watch all of those through once just to catch anything that was something that would have to be redacted and then go back to each one and watch it more slowly to actually redact them. It would probably be 300-400 hours of work for just one person. There is potential for a staffing issue. I don't know what it would take. We will have to see how many requests we get but there is a potential to be overwhelmed by requests like that.

Chairperson Yang: So it is fair to say that you would need more assistance in that department?

Lt. Murtha: I think there is certainly a potential for it depending on how this goes.

Chairperson Yang: With the requests, if someone requested a ton of video footage, would that be sent via email? Would it be scanned on a disk? How is that information provided to someone requesting it?

Lt. Murtha: During the pilot there was a link that was sent with the website for the video. That could be shared. People could upload it to YouTube. Once it gets out, people can do whatever they want with it, but it would be sent in the form of an email link.

Chairperson Yang: And if someone did not have an email account, how would you send it to them?

Lt. Murtha: generally, the requests are through email but if someone did not have an account, we would probably do something like bring it to a disk if possible. I know some of the ones sent to the D.A.'s office were burned on disks. That would be the backup, I think.

Attorney Janice Thompson: when we provide records through the portal, not body worn camera footage, but we provide other video records and audio records through the public records portal. We provide a link and people can download the records from that link. Just like Lt. Murtha said, if there is a situation where someone does not have internet access then we would put those records onto a disk and mail them.

Commissioner Lewis: when submitting a request for footage, if it is more than one video are they able to submit it all in one request or would each one have to be submitted individually?

Attorney Janice Thompson: An individual can submit a request and include multiple items in that request.

Bill Colman: In terms of a timeline for when we will be implementing this and marketing that it is going to happen for public information, what is the timeline for this to actually be implemented? Does this seem like it's a-go and are there any marketing plans to help the public to understand that this is going to happen in the city of Worcester? Has that all been discussed yet or is that all still in the process?

Lt. Murtha: I cannot speak for the Councilor and Manager's office. They would have to approve the funding for it. The Manager's office would have to put forth a recommendation. Based on the statements he has said that 2022, next year, it will happen. He could say in more detail exactly what he is thinking right now but I know that is what the current plan is, as far as I know. And in terms of letting the public know I think we would utilize our social media. We would have a press conference. We would share the information with media. We would also be

open to other ideas to get the word out. That is something that would be a priority, letting people know that these cameras would be out there.

3. Adjournment

The next listening session will be held in **District 2**, on **October 4th** at St Bernard's Church, 228 Lincoln St.

Comments may also be submitted to humanrights@worcesterma.gov. The deadline for public comment is Friday, Oct. 22.