

City of Worcester Human Rights Commission Minutes
VIRTUAL MEETING – Monday September 14, 2020, 6:00pm

Members Present: LaToya Lewis, Lauren De Oliveira, Deidre Padgett, Edward G. Robinson, Lilian Chukwurah, Elizabeth O’Callahan, Jacqueline Yang

Members Absent: Aaron Richman

Staff: Miriam Nyante, Jayna Turchek

Worcester Police Department: Police Chief Steve Sargent, Captain Ken Davenport Bureau of Professional Standards, Captain Michael McKiernan of the Investigation Division, Captain Carl Supernor, Paige Kransberg

1. Call to order and introductions

A quorum was established and Vice Chairperson Yang called the meeting to order at 6:07pm

Commissioners and those present introduced themselves. The Vice Chairperson welcomed members of the commission, and those present.

2. Approval of August 17, 2020 meeting minutes

<http://www.worcesterma.gov/agendas-minutes/boards-commissions/human-rights-commission/2020/20200914.pdf>

Vice Chairperson Yang motioned to approve the minutes as written. Commissioner De Oliveira seconded. Motion passed with all in favor.

3. Notice of observance Worcester PRIDE month

- Ed Robinson spoke on attending the Flag Raising Ceremony at City Hall in observance of Pride Month on September 8th with Congressman Jim McGovern, State Rep. Dan Donahue, City Councilor Khrystian King and City Councilor George Russell in attendance.
- Numbers in attendance were reduced compared to previous years due to COVID-19 precautions
- The Worcester Human Rights Commission participates in numerous events in celebration of Pride Month every September, including the Annual Worcester Pride Parade and Festival. These events were scheduled for September 12th, 2020, but were cancelled due to the COVID-19 pandemic with the hope that these events can be held in September 2021.

4. Annual meeting with the Worcester Police Department (WPD)

Captain Davenport presented the 2019 Annual Bureau of Professional Standards (BOPS) Report

davenportkj@worcesterma.gov

Role of Bureau of Professional Standards is to “Main objective achieve maintain discipline and professionalism” within the Worcester Police Department

Occurrence of Complaints:

53 complaints (44 in 2018) and 9 comments (10 in 2018); 7 year average: 70 Complaints/year

Breakdown of complaints by race:

53 total complaints: White 20 (37.74%); Latino 18 (33.96%); Black/African American 7 (13.21%); Unknown 8 (15.09%)

Compared to City of Worcester Demographics:

White 57%; Asian 7%; Hispanic 21%; Black/African American 12%; Two or more races: 2%; Other 1%

Top 3 routes highest frequency of complaints: Routes 12, 5 and 3
(The top 3 routes in 2018 were Routes 4, 5 and 14)

- Rt 5 - Downtown area (Includes complaints made at precinct)
 - 14 Complaints / 11125 incidents
 - 10 of 14 complaints were generated in precinct
 - 5 complaints were from service division
 - By Race: Black/African American 1; White 9; Hispanic 1; Unknown 1
- Rt 3
 - 3 complaints / 7490 incidents
 - 3 females, hispanic and white, officers were both male and female
- Rt 12
 - 4 complaints / 8740 incidents

2019 Use of Force Complaints Report

24 allegations from 11 complainants (Multiple allegations can be made in a single complaint):

13 white

10 black

1 hispanic

Racial Breakdown of Complainants:

6 white

4 black

1 hispanic

Outcomes of Allegations:

Unfounded	9	7.09%
Resolved at Intake	9	7.09%
Officers exonerated	76	59.84%
Not Sustained	12	9.45%
Sustained	6	4.72%
Policy Failure	2	1.72%
Exceptionally Cleared	6	4.72%

“Exceptionally cleared”: WPD was unable to continue investigating the complaint due to the complainant refusing to provide necessary evidence. The rate of “Exceptionally Cleared” outcomes is down 75% from 2018; 1 case still open, still waiting for a disposition

Additional Discussion:

- The WPD is adopting new policy to include the disposition in reporting
- If a complainant is unhappy with the outcome of a complaint, Captain Davenport said that the complainant can opt to speak with Chief Sargent if he is available
- Disciplinary action cannot be disclosed under public exemption law as it is considered a personnel issue.
- The new police reform bill currently in process in the state house, which may give public access to information

Motion: Clerk O’Callahan motioned to submit the following questions from the Human Rights Commission to the Worcester Police Department in writing:

1. What is the total percentage of officers without complaints against them?
2. What is the highest number of complaints any one officer has? What is the lowest?
3. Of the officers with complaints against them, what is the average number of total complaints per officer?
4. Of the officers with complaints against them, what is the average number of complaints per officer per year on the force? (for example An officer with 10 years on the force and 2 complaints on record has an average of 0.2 complaints per year; an officer with 5 years on the force and 2 complaints on record is 0.4/year; the average between the two officers is 0.3 complaints per year)
5. How do the BOPS numbers compare to national average, or compared to a similar city, such as Springfield (especially with regard to percentage of complaints relative to total incidents)?
6. Can the Worcester Police Department conduct an anonymous survey among its officers who are people of color and ask:
 - Have they experienced racism at work?
 - Have they experienced racism outside of work?
7. Will the WPD be open to joining and collaborating with us to facilitate another round of race dialogues like we did back in 2015?

Vicechair Yang seconded the motion. Motion passed with all in favor.

Discussion on Institutional Racism

Vice Chairperson Yang, stated to Chief Sargent that racism is alive and well, and that the public was looking for acknowledgment that systemic racism is real and exists within the department.

Commissioner Lewis added that she had recently observed social media accounts related to local police officers or family members of police officers making derogatory statements against the Black Lives Matter Movement and disparaging the local Black Lives Matter mural.

Chief Sargent referenced archived cases of allegations of racism, which were addressed in the past, but specified that he had never personally witnessed or experienced racism.

Commissioner Chukwurah clarified that the question was whether there has been “acknowledgement that there is blatant racism in the police force,” not whether it’s been experienced personally, but whether racism is “existing in the department as an institution.” Vice Chairperson Yang asked if there was “institutional racism in the department.”

Chief Sargent repeated “that it would not be tolerated in the department.”

Vice Chairperson Yang questioned the need for diversity training without the existence of institutional racism, and questioned the diversity of officers on the police force

Captain Davenport shared the Worcester Police Department’s diversity numbers for 2019:

Racial Breakdown of the Worcester Police Department:

79% white, 7% black, 13% hispanic, 1% asian

Racial Breakdown of Worcester Residents:

57% white, 12% black, 21% hispanic, 7% asian

Commissioner De Oliveira asked if Chief Sargent believed there is institutional and systemic racism across the board, and that from within the department under his leadership, there is a concerted effort and known mission to not have systematic racism be part of the department.

Chief Sargent and Captain Davenport agreed and reiterated that any known occurrence of racism would be addressed and not tolerated within the department.

Clerk O’Callahan referenced Dr. Castiel’s recent statement at the August meeting, that systemic racism “pervades all institutions,” all institutions are built on the building blocks of racism, and that in order to counter this legacy of systemic racism, institutions must be “actively anti-racist” rather than passively not racist. Chief Sargent agreed with this sentiment.

Mental Health Crisis Response

- Officers responding to calls may end up waiting for support from mobile crisis for several hours with individuals who may be experiencing a mental health crisis
- Chief Sargent referenced CIT, civilians, volunteers, “the quality of life team through the city Manager’s office, police, fire, DPW social workers, people from the city” as support

to address mental health crises, but expressed interest in proposals for new models and collaborations that can further improve the mental health crisis response services.

- How do officers know when to call mobile crisis or CIT? Chief Sargent will look at the specific training, look at criteria to call mobile crisis, but officers often rely on EMT's to call mobile crisis. Officers otherwise try to evaluate on scene, or call a CIT officer.
- Racial trauma is an important relevant topic that warrants additional discussion.
- Given time constraints, and the need for further collaboration on the wide variety of issues, Clerk O'Callahan formally invited Chief Sargent and the Worcester Police Department to meet again with the again before the end of the year.

Paige Kransberg, representative from PowerDMS (powerdms.com) was then asked to share the policy management software for law enforcement that the WPD is considering to adopt.

She shared the following:

- They are the gold standard in law enforcement
- Used by 4,000 agencies to update and communicate and train staff
- Widely accessible and important. Policy changes frequently and will be changing substantially with the new police reform bill. The technology would enable the department to:
 - Update policy
 - Help educate and measure employee understanding
 - Keep perfect records

Captain Carl Supernor presented a report on the review of the 6 month pilot of body cameras that concluded November 2019

Note on body camera report: this report was sent to city council:

<http://www6.worcesterma.gov/weblink/0/doc/509374/Page1.aspx>

- Captain Supernor highlighted benefits (they assist with evidence collection, allow for training opportunities and possibly de-escalate interactions with members of the public) and concerns (they could potentially be distracting), and assessed the pilot program as ultimately successful, with positive outcomes reported by participating officers
- Police reports generated by participating officers were randomly selected to view corresponding body camera footage, and retraining was done in cases where the body camera was not turned on. In an ongoing future body camera program, officers would not have to turn the cameras on during the start of an incident.
- It is unclear where the Body Camera Program was headed next, and Captain Supernor deferred to the City Council for further guidance.
- Captain Supernor acknowledged that pilot outcomes may not be generalizable to a future potential body camera program due to limitations of pilot programs, such (e.g. small sample size, sample selection bias, lack of measurable data, etc.)

Captain Michael McKiernan Presented the 2019 Annual hate crime statistics

2019 Hate Crime data:

- There were 12 incidents that were classified as hate crimes.
- Arrests were made in 7 cases and criminal complaints sought in 2
- Charges were dismissed before arraignment in 4 cases
- 2 cases remain open, 1 CWOFF and 2 were found guilty
- 1 incident was resolved by School Liaison officer
- 4 incidents involved damage to property
- 9 incidents involved assaults
- 8 incidents involved acquaintances or neighbors

- Bias Type: Anti Male Homosexual 5
 Anti-Black 4
 Anti-Islamic 1
 Anti-Hispanic 1
 Anti-Jewish 1

Reporting a Crime:

The most efficient method for reporting a crime is to call **508-799-8606** and request to speak to a police officer. Our department policy mandates an incident report must be completed upon any actual or suspected report of a hate/ bias crime. A patrol officer may develop probable cause based on the initial interview and be able to apply for criminal charges or they may request further investigation by the Detective Bureau.

Once the case is assigned for investigation, a detective will contact the victim and attempt to locate and interview possible witnesses and suspects. We strive to keep victims informed of the progress of the case but in some instances we are not able to fully disclose the contents of the investigation. We coordinate with the District Attorney's Office and they will assign an advocate from the Victims/ Witness Program to guide the victim and provide services if the case proceeds to a prosecution.

Progress on Community Control Over Police Surveillance (CCOPS) Ordinance and/or other updates to use of surveillance technologies

- Captain McKiernan deferred to City Council for information on the CCOPS Ordinance
- Surveillance technology includes technology such as the Real-Time Crime Center in the Worcester Police Station, which is a network of cameras around the city
- The Worcester Police Department uses several types of covert surveillance that will not be disclosed to the public
- The Worcester Police Department does not own drones.

Clerk O'Callahan referenced and requested an update on the questions initially formally submitted to the Worcester Police Department on August 6th, 2018, which read:

Motion to request a written report from the Worcester Police Department on surveillance technologies currently in use: Commissioner Kennedy motioned to further

correspondence to Worcester Police Department, requesting that the department provides a written report to the commission by the October Human Rights Commission meeting, detailing technologies currently in use within the Worcester Police Department for the purpose of surveillance, and include within, the questions that have been raised at this meeting, including:*

- *List of surveillance technologies currently in use*
- *Purpose and scope of current surveillance technologies*
- *Data storage: how data is stored, what data is stored, length of storage*
- *Data Protection: Criteria for access, Method of access, Procedure for recording access*
- *Data sharing: Who is data shared with, purpose and criteria for data sharing*
- *Information of adverse impact, and how potentially adverse impact is mitigated*

Link to 08-06-2018 Meeting Minutes: <http://www.worcesterma.gov/agendas-minutes/boards-commissions/human-rights-commission/2018/20180806.pdf>

Captain McKiernan suggested that Chief Sargent was better equipped to respond to the previously submitted questions and asked the Commission to follow up with the Chief directly (Note: Chief Sargent was unable to attend the entire meeting and was not present for this portion of the conversation).

5. Public Comment

Allison Rothschild asked: What steps the Worcester Police Department is taking to ensure that groups who have been historically oppressed, and subject to police brutality, feel safe to file formal complaints (to increase their rate of reporting commensurate with their rate of interactions with police), given that most complainants were white, and enjoy a historical power differential in society?

6. Adjournment at 8:41pm

Next meeting Monday October 5, 2020, 6pm