

**Human Rights Commission Meeting Minutes**  
**Monday, July 10, 2023, 6:00pm**

Esther Howland Chamber (3rd flr.) City Hall  
455 Main Street, Worcester, MA 01608

Virtual meeting link:

<https://cow.webex.com/cow/j.php?MTID=m9d233db4f78bb0528628acf433e3ce8a>

Meeting number: 2311 007 3698 Password: C6GputMFp79 Phone: 415-655-0001

**Attendance:**

Present: Chairperson Ellen Shemitz, Guillermo Creamer Jr., Elizabeth O'Callahan, Charles Hopkins, Bernard Reese, Jacqueline Yang

Absent: Jamaine Ortiz, LaToya Lewis

Staff: Jayna Turchek

**Call to order and introductions**

Chairperson Shemitz opened the meeting at 6:00 PM and welcomed members and the public.

Commissioner Creamer began with an acknowledgement of the traditional, ancestral, territory of the Nipmuc, the first people of Massachusetts and those whose 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.

Commissioner Creamer shared the terms of the Commission:

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.

Chairperson Shemitz then called for a moment of silence in remembrance of Sgt. Derrick Leto, former Police Diversity Officer. Commissioners and members of the public shared remembrances about Sgt. Leto.

### **Approval of meeting minutes from May 1, 2023**

**Commissioner Creamer moved to approve the meeting minutes from May 1, 2023. Commissioner O’Callahan seconded the motion. With a vote of 5-0-1, the meeting minutes were approved.**

### **Approval of meeting minutes from June 12, 2023**

Commissioner Hopkins moved to approve the meeting minutes from June 12, 2023. Commissioner O’Callahan seconded the motion. With a vote of 3-0-3, quorum was not met and the meeting minutes could not be approved. They will be tabled until next month.

### **Annual Meeting with the Worcester Police Department (WPD)**

It was noted that due to a limitation on time, WPD will be attending the subsequent HRC meeting to complete the reminder of their presentation. Captain Kenneth J. D’Andrea shared the following reports:

#### **A. Review and Discuss the Annual Reports**

##### **1. Hate Crime Statistics**

From July 1, 2022 to June 30, 2023, the WPD had 17 incident that would fall under the umbrella of hate crime civil rights violations. Not all incidents were investigated by the WPD, 2 incidents were investigated by the WPI College, 1 incident was investigated by Worcester State University, 3 incidents were investigated by University of Massachusetts University Police Department. Of those 17 incidents, 9 people were arrested and charged accordingly. The Captain D’Andrea will share what the outcome of those charges when the WPD returns in August.

## 2. Annual Bureau of Professional Standards Report

There were 313 uses of force; 13 allegations of unnecessary force, which equates to 4.15% of allegations of generated per use of force. There were 2,597 arrests of, which 13 unnecessary force allegations resulted from that which is 0.50% arrest encounters resulting in unnecessary force allegations.

There were 128,813 total incidents, which resulted in 13 unnecessary force allegations, which is 0.04% unnecessary force allegations with the police. Of the 128,813 incidents, there were 43 complaints. 13.04% of those complaints were sustained. 7 complaints alleging unnecessary use of force were won by people who identify as white, 2 who identify as African American, 3 who identify as Hispanic, 1 who did not disclose their ethnicity or race.

The city of Worcester has a population of 206,518, as determined by the 2020 census. The ethnicity and race representations are as follows: 54.4% White, 7.2% Asian, 23.1% Hispanic or Latino, 12.2% Black or African American, 0.3% American Indian or Alaskan Native, 0.1% Native Hawaiian and Other Pacific Islander, 2.7% two or more races, 0.4% some other race.

Of the complaint's received by the WPD, the following were received by: 13 white (28.98%), 0 Asian (0%), 7 Hispanic or Latino (15.56%), 8 Black or African American (17.78%), 6 "unknown" (13.33%).

The Chairperson briefly interjected to ask a question.

Question to Captain D'Andrea by the Chairperson: for clarification, the only population group that had disproportion representation in relation to the amount of complaints received was the Black or African American racial group.

Response: Yes, that is correct.

Question to Captain D'Andrea by Commissioner Creamer: what is the "unknown" identity group?

Response: on the complaint application form, complainees have the option to not state their ethnicity and/or race and that is what "unknown" refers to.

Captain D'Andrea continued the presentation.

In regard to depositions, there were 96 allegations of which: 16 were unfounded (17.39%), 1 resolved (1.1%), 49 exonerated (53.26%), 14.13 not sustained (13%), 12 sustained (13.04%), 1 exceptionally cleared (1.09%).

Captain D'Andrea paused to answer a question.

Question to Captain D'Andrea by the Chairperson: what is the difference between resolved and sustained?

Response: sustained means that the officer was found to not have done what the person alleged. Resolved complaints include those that are dropped by the complainant.

Question to Captain D'Andrea by the Chairperson: how does this year's sustained statics compare to prior years?

Response: I do not know.

Question to Captain D'Andrea by Commissioner Creamer: does the rate of policy failures change from year to year?

Response: yes, it can change from year to year that's depending on the review of the policies and the deposition of the case, like whether the policy clear or not.

Question to Captain D'Andrea by Commissioner Creamer: with officers who have received multiple complaints, at least more than once, how is WPD addressing that?

Response: we have an early intervention system, which gets looked at by the Bureau of Professional Standards and the Chief. A full review is done which is governed by certain criteria to consider.

Question to Captain D'Andrea by Commissioner Creamer: of officers that received a "sustained" result, what outcome did they receive?

Response: there are a range of outcomes – retraining, suspension. It is up to what the Chief decides.

The HRC requested that the WPD provides outcomes for complaints regarding sustained criminal conduct, unnecessary force, biasly policing.

Question to Captain D'Andrea by Commissioner Yang: how many officers are assigned to the Bureau of Professional Standards?

Response: I believe there are 4 sergeants and 1 captain.

Question to Captain D'Andrea by Commissioner Reese: what is the gender and racial make up of the Bureau?

Response: the captain is male African American, there are two sergeants that are African American, there are two Caucasian sergeants one of them being female.

Question to Captain D'Andrea by Commissioner Creamer: going back to the policy failure statistic, if there were 12 sustained complaints, would those represent policy failures?

Response: no.

Question to Captain D'Andrea by Commissioner Creamer: can we review policy failure again?

Response: policy failure is when the Chief meets with the officer and the officer acted according to the policy guidelines, but after review the Chief is not happy with the policy itself; that is a policy failure. The complaint would still be sustained because the officer's actions were a violation.

Question to Captain D'Andrea by Commissioner Creamer: do you anticipate that body cams will produce more or faster exonerations? Or perhaps different outcomes? Will complaints dwindle?

Response: I think a lot of not sustained results were because of a lack of proof, so I think complaints like that might have a different finding. But, I don't know how much it will diminish people from submitting a complaint.

Captain D'Andrea moved on to the next report.

### **3. Report on WPD Diversity Officers' Recruitment, Outreach, and Initiatives**

After the passing of Sgt. Leto, the WPD assigned two full-time diversity officers. Diversity officers are prioritizing diversity, equity, and inclusion in recruitment, hiring, promotions, and/or opportunities for career advancement, developing, and training within the department.

The WPD has a cadet program that is a part of the recruiting initiative. The program is specifically targeted at youth between 18 and 20 who wish to get an experience in the field of serving their community. In 2023, there are 5 full-time cadets. 4 are minorities and all 5 are on the current civil service entry list of

prospective candidates to be police officers in the City of Worcester. The cadets are closely monitored and are assigned to the Worcester Police Training Division. The cadet's assignments vary from Court Liaison, Dispatch, Mounted Unit, Foot Patrol, and Operations.

The WPD Diversity Officers have implemented a recruiting team of over 14 police officers whose goal is to reach out to the community and recruit qualified candidates who live in diverse and underrepresented areas in the community. Once communication is established, it is then maintained in order to guide interested individuals through the police civil service.

Captain D'Andrea paused to respond to questions.

Question to Captain D'Andrea by Commissioner Creamer: does the LGBTQ+ liaison fall under the diversity office?

Response: they work in conjunction with each other, but they are in separate offices. The diversity office works with the Police Chief, while the LGBTQ+ liaison works out of the courthouse.

Commissioner Creamer requested that Captain D'Andrea provides some clarification on whether the LGBTQ+ liaison and diversity officers share the same budget.

Captain D'Andrea resumed.

In terms of outreach, WPD works in conjunction with the full-time outreach officer. The work that has been implemented by the Diversity Officers along the Outreach Officer has helped create a partnership with over 45 public schools in the City of Worcester. Our mission is to help bridge the gap and create better relations in the community the WPD serves.

For the year 2023, the Diversity Officers have reached out to the community and created an open dialog with anyone with community members. The WPD is stressing the need for the members in the minority community to take the police civil service exams and become a police officer in order to better represent the community the WPD serves.

As part of the Outreach program, Diversity Officers are involved in networking with multiple community members and attend weekly/monthly meetings with various groups in the community. Such as Black Families Together, Church Clergy members, City Hall Human Resources, CAN, and Equity. Diversity Officers also handle cases where racism, sexism, discrimination, implicit/explicit

bias, or nepotism are suspected within the department and in the community the WPD serves.

The Chairperson requested that statistics are provided on the passage rates of the police civil service exam in relation to the total number of test takers, broken up by ethnicity, gender, and race.

Through the efforts and initiatives of the WPD Diversity Officers, recruiting is also part of the department's curriculum with the 8 colleges in the City. The WPD has also partnered with numerous local agencies: Corrections Dept, Sheriffs Dept., Masshire.com, Veterans Inc., DCU Career Fair (the largest career fair in Central MA).

WPD Diversity Officers not only are networking with Community Leaders, but are also working together with WPD Department Heads, to ensure that those underrepresented communities are represented.

The WPD is currently working on strongly encouraging current minority officers to take civil service promotional exams. The ranking staff within the department does not reflect the diverse numbers in the community. The civil service promotional exam system administered prior to and including 2022, was deemed unfair by civil service. Civil Service are in the process of implementing a new promotional exam which is scheduled for September of 2023. Diversity Officers are strongly encouraging current active officers in the department to study for and apply themselves to take future promotional exams.

## **B. Outstanding Items from July/October 2022 Meetings with the WPD**

1. Response on whether all WPD officers will be issued city cell phones and when?  
Currently there is no plan to issue all WPD officers cell phones
2. Report on the number of WPD personnel who are fluent in a language other than English  
There are: 66 Spanish speakers, 4 Twi (Ghana) speakers, 3 Vietnamese speakers, 2 Albanian speakers, 2 Polish speakers, 2 Romanian speakers, 2 Portuguese speakers, 1 Japanese speaker, 1 Haitian Creole speaker, and 1 French speaker.
3. Passing Rate for 2022 Police Civil Service Exam (broken down by race and gender)

There were 20 (16.95%) female test takers that passed. 1 (0.85%) was Black or African American, 10 Hispanic or Latino (8.47%), 9 White or Caucasian (7.63%). There were 98 (83.05%) male test takers that passed. 4 (3.39%) were Asian or Pacific Islander, 15 (12.71%) were Black or African American, 32 (27.12%) were Hispanic or Latino, and 47 (39.83%) were White or Caucasian. In total, there were 118 test takers who passed.

4. Share link to LGBTQ liaison tab on WPD webpages  
Currently there is no link to the webpages. Officer Sharon McQueen is the liaison between the WPD and the LGBTQ. She has had the role for approximately 8 years. The WPD is working on a webpage but currently Officer Sharon McQueen's cell number which is 508-612-8766 or her email at [mcqueens@worcesterma.gov](mailto:mcqueens@worcesterma.gov) are the best way to contact her.
5. Share data on motor vehicle stops of city residents with a focus on the breakdown of stops and citations by race, by department, by location (zip code or specific intersections), and the highest number of stops and citations by a particular officer verses the average.

There are many qualifiers to the data: the data reflects citations, not stops. The department does not maintain data on all stops; in a best attempt to isolate "Worcester Residents," Captain D'Andrea has limited the data to cited individuals those mastercard current reflects a last known address in Worcester. However, this does not ensure that the cited individual was a Worcester resident at the time they were issued the citation. The converse is also true; the dataset could potentially be omitting citations issued to persons who were Worcester residents at the time they were cited but who have since taken up residency elsewhere and whose Mastercard's reflect said change. It should also be noted that the locations of issued citations are sometime influenced by grant foci and not necessarily officer's discretion. Individual citation records presented are replicated in the dataset for each instance of a charge associated with the citation. For instance, there were 1,512 individual citations of persons with an LKA in Worcester, and those citations involved 1,995 charges. Captain D'Andrea excluded the issue officer's division due to the dynamic nature of division assignments.

Captain D'Andrea fielded a question.

Question to Captain D'Andrea by the Chairperson: what is a Mastercard?

Response: if an individual has a license or has received a citation, they are entered into the system and their name and general information is reported onto the Mastercard.

Question to Lt. Doherty by Commissioner O'Callahan: what sorts of tools are provided to officers when communicating with a resident who speaks a different language than them?

Response: most officers are good at using their own phone to facilitate the language hotline.

Question to Lt. Doherty by Commissioner Yang: do you know if any of the officers knows American Sign Language?

Response: I am not sure, but I am going to assume no since it is not represented in the statistics.

Question to Lt. Doherty by Commissioner O'Callahan: how are officers trained in using language services and resources?

Response: individuals come in to facilitate trainings and presentations on how to access and use the resources. Cheat sheets are also provided for officers to reference.

**Commissioner O'Callahan moved to recommend that the WPD reexamines its current policies surrounding an officer's access to language services when interacting with the public. Commissioner Yang seconded the motion. With a vote of 6-0-0, the motion was passed.**

Commissioner Creamer moved to requested that the WPD puts together an estimate for the cost of providing every officer and/or every patrol vehicle a smartphone that can access language services. Commissioner Yang seconded. The Chairperson opened up a period of discussion.

Question to Commissioner Creamer by the Chairperson: will this request initiate negotiations and conversations with the police union regarding changes to a police officer's work?

Response: that is exactly why I am putting this forward because I think having those conversations sooner rather than later is important. It is important that officers have cellphones, and we need to have conversations about the feasibility about getting officers the resources that they need now so that we can move towards implementing more language resources.

Director Turchek provided a point of information regarding language services: in 2016 a city-wide limited English proficiency (LEP) policy was implemented, but the original vendor that is referenced in the policy has changed. Language Line Solutions, Inc. is the city's new primary vendor. She further explained some of the service lines and features and that all city employees have access to these on demand interpreters (over the phone and video as well as pre-scheduled).

Commissioner Yang clarified that it might be possible for officers to install Language Line's Insight app in their computer systems already present in their vehicles or can access the app on their cellphones.

Question to Lt. Doherty by Commissioner Hopkins: aside from a cellphone, how else can language services be accessed?

Response: the computer in the police vehicles the computers are hardwired to a modem that is placed in the trunk of the vehicle so it cannot be moved from where it is placed, but it can swivel towards an individual so that they can see the screen—if they are right outside of the vehicle. This option is not completely accessible.

**The Chairperson proposed a friendly amendment: the Commission is requesting that the WPD determines whether the department's existing equipment can provide convenient and accessible language services that does not rely on the usage of the officer's personal devices. As well, in anticipating the need for adequate equipment to access language services, the Commission is requesting that the WPD provides an estimate for the cost of providing said equipment (a cellphone or iPad type device) for every vehicle. Commissioner Creamer seconded. With a vote of 6-0-0, the motion was passed.**

## 6. WPD Drone Policy

To simplify the presentation, the Chairperson provided a brief overview of the drone policy.

The policy starts by discussing the purpose for appropriate use of unmanned aircraft systems. There is a statement of procedures for when the WPD would use drones (such as responding to emergency systems, search and rescue, situational awareness, visual perspective). There are a series of procedures regarding who might use the drones and the training they are required to undergo to gain clearance, etc. Then there is a statement of privacy and when

they should not be used (such as information gained from a drone cannot be used towards a criminal investigation). There is a section on information retention and management. A section on supervision and reporting and a series on restrictions.

Question to Lt. Doherty by the Chairperson: in the policy, it states there will be audits on flights and the results of the audit will be documented. How many audits have been done to date? Have they been published quarterly as the policy states, why or why not?

Response: I do not have those reports and I know there have been limited situations where a drone has been deployed outside of training situations, so if I am able to share that information with you, I will in August.

Question to Lt. Doherty by Commissioner Creamer: are the policies accessible to the public?

Response: yes, they can be found on the City of Worcester website under the Policy and Procedure 404 section.

Question to Lt. Doherty by Commissioner O'Callahan: is a record request necessary to access information acquired from the drone?

Response: not necessarily, for instance for mass public and high profile issues and the drone is utilized, that information might be accessible between agencies without a records request.

Question to Lt. Doherty by Commissioner Yang: does the city own two drones?

Response: yes, a larger and smaller one.

Question to Lt. Doherty by Commissioner Creamer: regarding the most recent active shooter situation, there was swarm of misinformation on social media, and I was wondering how WPD addresses misinformation online

Response: we try to get out accurate information as fast as possible and we try to prevent the spread of misinformation. We have a social media person who tries to get in front of the misinformation. We cannot stop everything, but we try to be proactive about providing updates and information.

Captain D'Andrea concluded the WPD's presentation.

## **Planning for future meetings:**

### **A. Joint Meeting with the Worcester Election Commission**

Planning discussion:

- Director Turchek communicated with the City Clerk to determine potential dates for the meetings. The proposed meeting dates are as followed: Wednesday, August 9 from 5:30pm; Wednesday, September 13 5:30pm; Wednesday, October 4 from 5:30pm.
- The Chairperson suggested the Alister Martin, CEO of a Healthier Democracy be invited to attend those meetings.
- **The Chairperson moved to implement joint meetings between the Human Rights Commission and the Election Commission. Commissioner O'Callahan seconded. With a vote of 5-0-1, the motion was passed.**

### **B. Update on Broadband Conversation**

- The Chairperson and Commissioner Creamer attended a meeting with the Massachusetts Broadband Institute (MBI) and the Internet for All conference, which was sponsored by the National Telecommunications and Information Administration and MBI. The conference highlighted that significant funds are now available, \$42.5 billion, to provide broadband equity, access, and deployment. There is an additional \$2.75 billion available for state digital equity planning grants and infrastructure for the underserved. The state of Massachusetts is getting \$140 million of those funds. There are opportunities for the public to advocate on behalf of communities in need to the broadband office.

**Other:** Director Turchek announced her resignation and the Commissioners shared farewell messages.

**Adjournment at 8:00pm,** Next meeting: Monday August 7, 2023, 6pm, Worcester City Hall. Topic: Continuation of conversation with WPD.

**Additional documentation is available to review upon request.**

43 Complaints

8 Comments

**Demographics of Worcester**<sup>1</sup>

**2020 Population Estimates**

**206,518**

Source: 2020 Census

(male/female is about 50/50)

**City of Worcester Race/Ethnicity Population**

White – 54.4%

Asian – 7.2%

Hispanic or Latino – 23.1%

Black or African American – 12.2 %

American Indian and Alaskan Native-0.3%

Native Hawaiian and Other Pacific Islander-0.1%

Two or more races – 2.7%

Some other race – 0.4% (Middle Eastern, i.e.)

**Complainant's Race/Ethnicity:**<sup>2</sup>

White 13 = 28.89%

Unknown 11 = 24.44%

Hispanic or Latino 7 = 15.56%

Black or African American 8 = 17.78%

Asian 0 = 0%

n/a 6 = 13.33%

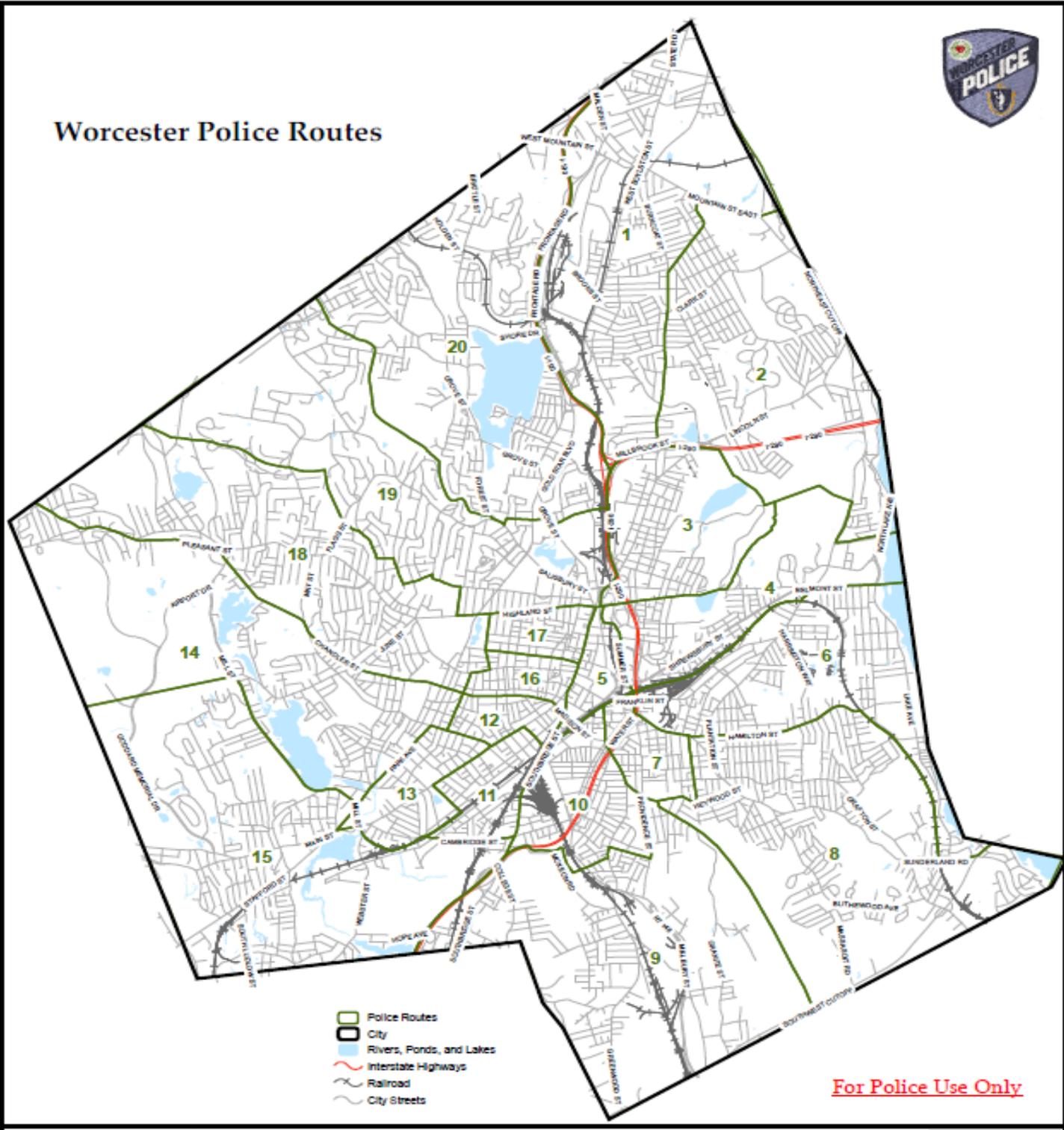
12 female complainants
26 male complainants
1 unknown
6 n/a

<sup>1</sup> Information gleaned from The Research Bureau & U.S. Census Bureau 2022

<sup>2</sup> Facts from Worcester Police Department BOPS System

Geographic Location of Complaints

The City of Worcester is divided into 20 patrol routes. RT.'s 5, 11 & 12 had the most complaints.



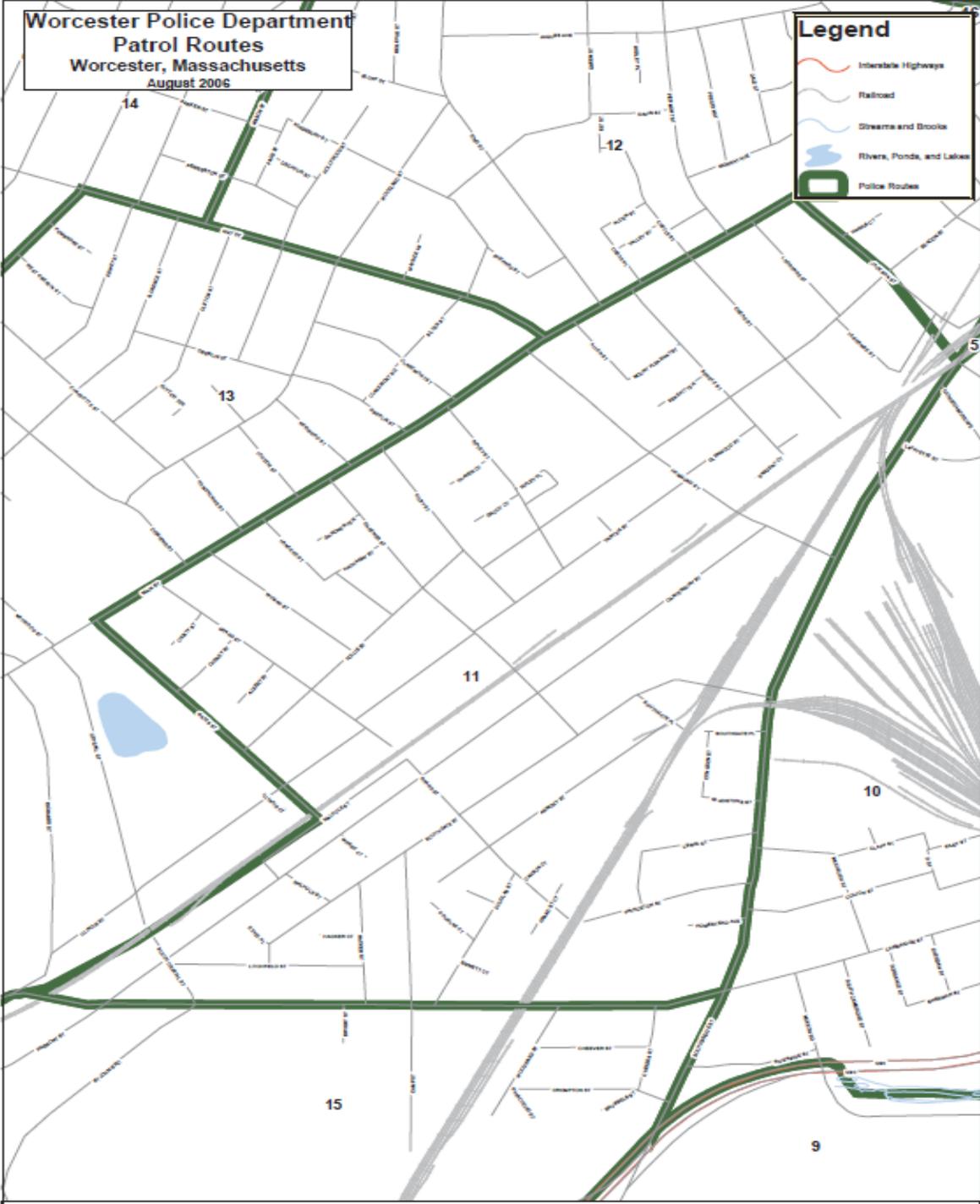
Rt. 5 – 9 Complaints (no change)

This RT. runs east on Belmont St from Highland St, south on Union St to Market St, south on Summer St to Washington Sq., southeast along the railroad to Southbridge St, north to Main St, north to Highland St.



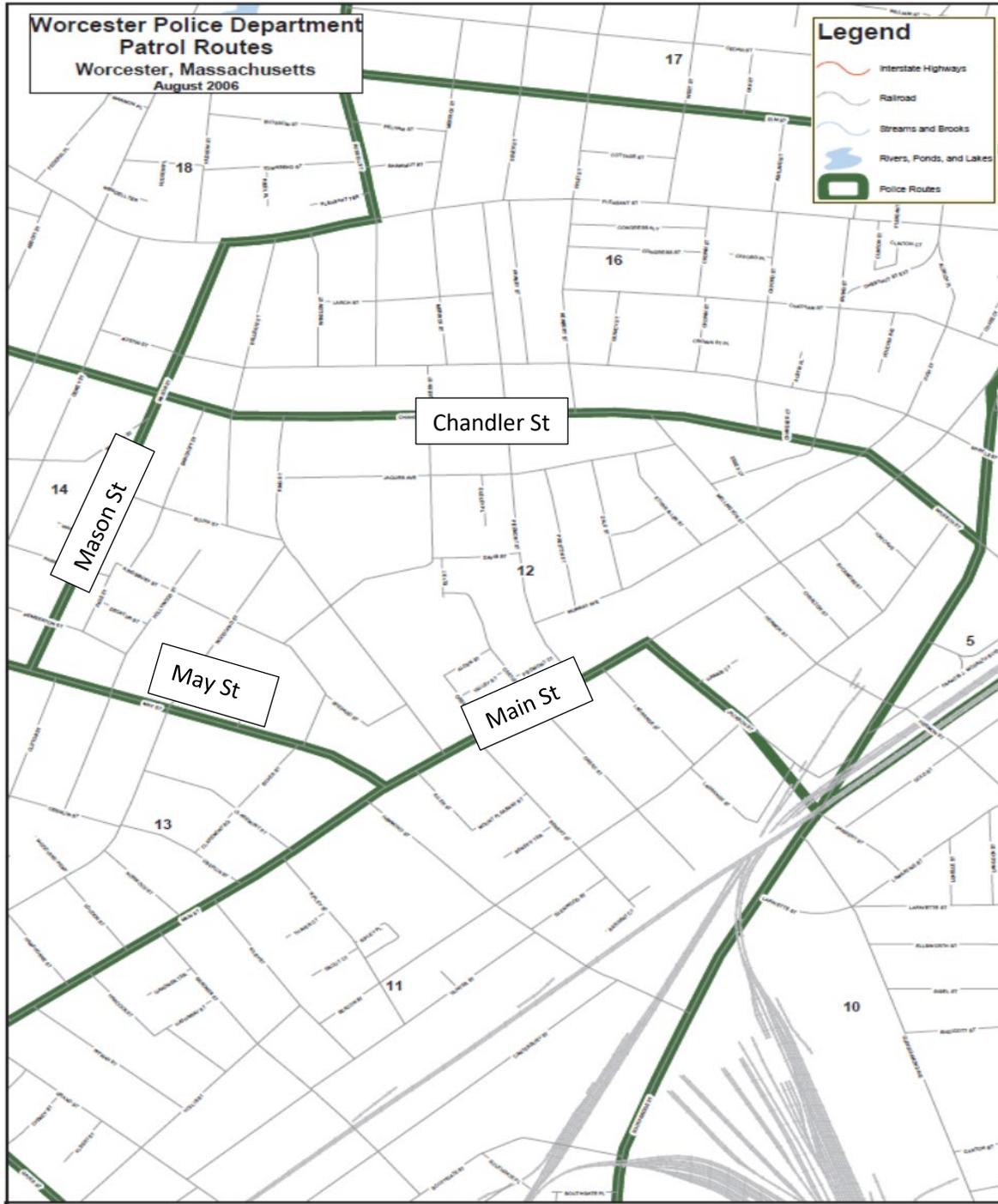
RT 11 – 4 Complaints

This RT begins at Main St/Jackson St. Travels south on Main St to Gate St. South on Gate St to the railroad. Southwest along the railroad to Cambridge St. East on Cambridge St. to Southbridge St. North on Southbridge St. to Jackson St.



RT 12 – 3 Complaints

This RT travels east on Chandler St from Mason St. onto Madison St. to Southbridge St. South on Southbridge St. to Jackson St. North on Jackson St. to Main St. South on Main St. to May St. West on May St. to Mason St. North on Mason St. back to Chandler St.



USE OF FORCE 2022														
MONTH	U OC(B)	DOC(A)	U BATON(F)	D BATON(E)	U TASER(H)	D TASER(G)	U FIREARM(I)	D FIREARM(I)	PW(K)	U K9(N)	D K9(M)	TOIO(L)	U Pepperball(D)	D Pepperball©
JAN	0	1	0	0	1	6	0	9	5		1	0	0	0
FEB	2	0	0	0	1	7	0	20	9	1	2	0	0	0
MAR	0	1	0	0	0	3	1	15	3	0	1	0	0	0
APR	1	1	0	0	1	10	0	14	3	1	3	0	0	0
MAY	1	0	0	0	0	1	0	3	2	0	1	0	0	0
JUN	1	1	0	0	4	5	0	19	10	0	3	0	0	0
JUL	2	4	1	0	1	2	0	14	8	0	3	0	0	0
AUG	0	1	0	0	3	3	0	14	2	0	2	0	0	0
SEPT	1	1	0	0	6	5	0	7	8	1	1	0	0	0
OCT	1	1	0	0	3	5	0	6	7	1	0	0	0	0
NOV	0	0	0	0	1	8	0	9	6	0	1	0	0	0
DEC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>9</b>	<b>11</b>	<b>1</b>	<b>0</b>	<b>21</b>	<b>55</b>	<b>1</b>	<b>130</b>	<b>63</b>	<b>4</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>

313 Uses of Force – 13 Allegations of Unnecessary Force = Only 4.15% was an allegation generated per Use of Force

U – Use

D – Display

OC – Oleoresin Capsicum (pepper spray)

PW – Personal Weapons (hands, feet, elbows, knees...)

TOIO – Tools of Immediate Opportunity

Worcester Police Department						
Use of Force Statistics						
Prepared by the Bureau of Professional Standards						
	Previous 5 Years					Change 2021 to 2022
	2018	2019	2020	2021	2022	
Incidents	145038	141883	127,589	134,996	128,813	-4.58%
Arrests	5358	4910	2,688	2,481	2,597	4.68%
Complaints	44	53	55	44	43	-2.27%
Unnecessary Force Allegations	16	24	18	15	13	-13.33%
Use of OC	17	11	9	6	9	50.00%
Display of OC	4	5	2	5	11	120.00%
Use of Baton	12	9	5	7	1	-85.71%
Display of Baton	9	10	5	3	0	-100.00%
Use of Electronic Control Device	26	26	25	12	21	75.00%
Display of Electronic Control Device	58	49	35	45	55	22.22%
Use of Firearm	1	3	1	1	1	0.00%
Display of Firearm	204	159	133	125	130	4.00%
Personal Weapons	110	108	88	72	63	-12.50%
Tool of Immediate Means	19	9	2	3	0	-100.00%
Use of K9		3	5	2	4	100.00%
Display of K9		7	23	17	18	5.88%
Use of Pepperball			0	0	0	0.00%
Display of Pepperball			0	0	0	0.00%

**Items to Note:**

## Averages:

- 47.8 Average complaints over 5 years (Past 4 years have been trending downward from the average)
- 17.2 Average Unnecessary Force allegations over 5 years (Still trending downward from the average)

## Percentages:

- 2,597 Arrests - 13 Unnecessary Force allegations for CY 2022 = 0.50% arrest encounters resulted in an Unnecessary Force allegation
- 128,813 incidents - 13 Unnecessary Force allegations for CY 2022 = 0.01% encounters resulted in an Unnecessary Force allegation
- 128,813 incidents/43 Complaints for CY 2022 = 0.03% incident encounters w/police resulted in a complaint
- Out of the 43 complaints for 2022, 37 (86.05%) were generated by citizen complaints and 6 (13.95%) were generated within the dep. by an Official, Officer, or other employee.
- 13.04% of the allegations were sustained.

Total of 7 complainants that alleged Unnecessary Force allegations were 1 White, 2 Black, 3 Hispanic, and 1 unknown.

Each complaint may contain multiple allegations against multiple officers.



Captain Kenneth J. Davenport

**A Healthier Democracy: Leveraging the Healthcare Sector to Deploy \$80 Billion in Unused Federal Aid to Empower Our Most Vulnerable Patients to Engage In Our Democracy**

**Goals: Creating a New Paradigm to Address Health Equity and Heal Our Democracy**

Over the next five years, [A Healthier Democracy](#) aims to engage 1,000,000 low-income Americans by providing assistance in accessing and enrolling in federal cash assistance programs like the Affordable Connectivity Program, Emergency Rental Assistance Program, Low-Income Home Energy Assistance Program, and Temporary Assistance for Needy Families while they wait in healthcare settings. We strive to secure over \$100,000,000 in assistance for families nationwide, while also helping 500,000 nonvoters cast their votes for the first time in elections, all in an effort to help create A Healthier Democracy.

**Context: 60 Million Americans are Not Registered to Vote, Impacting Health Outcomes**

In the U.S., there are over 60 million eligible yet unregistered voters. These voters often feel the government does not care about them, nor trust it to make a difference in their lives. They are also the same groups most marginalized by our healthcare system. Healthcare facilities offer unique opportunities to engage these individuals, with healthcare professionals acting as reliable conduits of trust. A Healthier Democracy runs two national programs, [Link Health](#) and its sister initiative, [Vot-ER](#), which utilize healthcare waiting rooms to connect Americans with \$80 billion of untapped federal and state aid programs to directly impact their lives and then help them register to vote. This combination of healthcare and non-partisan democratic engagement harnesses interdisciplinary expertise to address health equity, rebuild trust in government, and empower the most vulnerable patients in our democracy – helping to demonstrate that the government does care and that all voices do matter.

**Opportunity: \$80B in Federal and State Programs Go Unused Every Year**

Link Health connects patients waiting in healthcare settings with vastly underutilized federal and state cash assistance programs that directly address the social determinants of health. These include:

1. Affordable Connectivity Program (ACP): \$30/mo benefit for high-speed internet. 2022 enrollment rate: 22%.
2. Emergency Rental Assistance Program (ERAP): Up to \$10,000 to cover rent payments. Only 11% of allocated funds were utilized in 2021.
3. Low-Income Home Energy Assistance Program (LIHEAP): Average \$450 annual benefit. Only 16% of eligible households received assistance in 2019.
4. Temporary Assistance for Needy Families (TANF): About \$400 monthly in direct cash assistance per family. Only 22% of eligible families benefited in 2019.

**Assets: Electrifying Our Existing Infrastructure With Access to Federal Cash Assistance Programs**

A Healthier Democracy's existing infrastructure with two thriving programs, Vot-ER and Link Health, has demonstrated significant reach across the nation with a considerable presence in key states. Vot-ER has established partnerships with over 700 health institutions, including hospitals, community health centers, and medical schools and has developed a low tech, non-interruptive, and nearly frictionless apparatus to help register 80,000 Americans to vote in health settings in all 50 states and DC. In parallel, Link Health has been successful in its efforts to connect patients with crucial aid programs, distributing over \$100,000 in aid in ACP funding to low income Americans waiting in healthcare settings. By leveraging a place based, healthcare focused access point, enrolling eligible individuals in these underutilized benefit programs through Link Health, and complementing those efforts by supporting voter registration through Vot-ER, we aim to provide a brand new paradigm for engaging our most vulnerable Americans.

# Ways for Stakeholders to get Involved: Local Governments

An overview of stakeholder roles and ways they can get involved in Bipartisan Infrastructure Law (BIL) Programs. National Telecommunications and Information Administration (NTIA) envisions and welcomes extensive coordination between States, Territories, local governments, community organizations, industries, women- and minority-owned Business Enterprises (WMBE), and citizens throughout the broadband program lifecycle including planning, grantee selection and implementation. The stakeholders bring specific expertise which is critical to the success of these programs.

Program	Funding	Description	Who Can Apply to BIL Programs?
Broadband Equity, Access, and Deployment (BEAD)	\$42.5B	Aims to deploy broadband service to unserved and underserved locations, gigabit connections to community anchor institutions, and funding to pursue access-, adoption-, and equity-related uses.	<b>States and territories</b> are the <i>only</i> Eligible Entities for BEAD. A broad range of stakeholders entities <b>could potentially apply as to be a subgrantee</b> applicant to the State and Territory BEAD programs
State Digital Equity Planning Grant	\$2.75B	Promotes digital equity through activities to build capacity related to the adoption of broadband across three different planning and implementation programs.	<b>States, territories, and tribal governments/tribes</b> are the <i>only</i> Eligible Entities for DEA. However, a broad range of stakeholders may be an "administering entity."
Middle Mile Grant (MMG)	\$1.00B	Expand middle mile infrastructure, reducing the cost to serve unserved and underserved areas and increasing resilience of the internet backbone	MMG has the most grantees, which include: <b>State, territories, political subdivisions of states, tribal governments/tribes, private entities, and community-based organizations</b> and groups..

## Stakeholder Roles in the BIL Grants Program

Stakeholders can perform a role of an *advocate*, a *collaborator*, *data and information provider* as well as a *subgrantee*, and are encouraged to engage with the Eligible Entities starting with the **planning process and extending all the way to the implementation** of the programs. For each program, Eligible Entities are **required to involve stakeholders and obtain public comments** to create successful applications. Local coordination and stakeholder engagement is **evaluated in every step of the application process**, and it will determine distribution of funds and approval of plans.

### Local Coordination

Each Eligible Entity must develop a comprehensive **local coordination approach** that will begin in the development of the Five-Year Action Plan and continue at each stage of the application process all the way to awarding. Entities are required to **coordinate and document its coordination with all types of stakeholders**.

### DEA/BEAD Collaboration

There is a lot of overlap between BEAD and DEA, so **planning teams should be sure to work with stakeholders from both programs** to reduce duplicating stakeholder work. Many elements can be incorporated into both application processes and will also strengthen each application (for example, emphasizing DEA elements in a BEAD application).

### Forming Partnerships

Stakeholders are **encouraged to form partnerships** to submit applications. Especially because a wide variety of stakeholders are eligible to apply to MMG funding programs, collaborating on applications and forming partnerships with like-minded groups (State/local govts, ISPs/community groups) will strengthen applications.

\* "Ways to get involved" will be expanded to include other Digital Equity programs after NTIA releases the future NOFO's



# Ways for Stakeholders to get Involved: Local Governments

Defined as local governments, unit of a local government, and related associations/representatives (e.g., municipal governments, regional planning agencies), NTIA emphasizes that localities and groups representing historically excluded communities can and must make their voices heard to ensure that longstanding equity gaps and advance digital equity.

## Different Ways to Get Involved per Program

### Broadband Equity, Access, and Deployment (BEAD)

- Collaborate with Eligible Entities, as defined in the NOFO, in the **planning** process.
- Share current state and future needs of local broadband availability, infrastructure deployment challenges, and of any local regulations which may impact infrastructure deployment.
- Apply to be a **subgrantee**, if eligible, as defined in the BEAD NOFO. Localities can apply through the **Administering Entity Grants Office** and learn more using the program specific resources below. *Sub-grantees may use BEAD funds to deploy network infrastructure*
- Advocate** for vulnerable communities to ensure their specific needs are being accounted and addressed.
- Reach out to the **state broadband office** to get involved with the planning process and stay involved across the timeline. Find your state broadband office using the **SBLN resource** linked below.

### State Digital Equity Planning Grant Program (DEA)

- Collaborate with Administering Entities in the **planning** process, as states *must* include local digital equity plans.
- Share **specialized local insights on adoption and affordability** into DEA plans, The NOFO highlights that it is **required** of states to include **local digital equity plans**.
- Apply to be a **subgrantee** soon, if eligible, as defined in the NOFO. Localities can apply through the **Eligible Entity Grants Office** and learn more using the program specific resources below. *Sub-grantees must use their funds to assist in the development of the State Digital Equity Plan.*
- Reach out to the **state broadband office** to get involved with the planning process and stay involved. Find your state broadband office using the **SBLN resource**.

### Middle Mile Grant

- Collaborate** with Eligible Entities in the **planning** process.
- Most importantly, localities can **directly apply for the Middle Mile program**. Local governments can learn more on applying using the MIM Program resource below.
- Applicants may use funds for: construction of telecommunications equipment, engineering, personnel costs, pre-application expenses, and other costs necessary to carrying out program activities.
- Explore **partnerships and collaboration opportunities with groups with shared visions/goals** on applications.
- Reach out to the **state broadband office** to learn more about MM and how it interacts with other programs. Find your state broadband office using the **SBLN resource**.

## Resources



Information about all the programs, including the application process

Internetforall.gov



Information about States and Territories Broadband Program and Points of Contact

State Broadband Leaders Network (SBLN)



Information about the BEAD program, including timeline

BEAD Program



Information about the DEA program, including timeline

DEA Program



Information about the MIM program, including timeline

MIM Program



# POLICY AND PROCEDURE

# NO.404

## Small Unmanned Aircraft System

Date Issued January 19, 2023	Date Effective January 19, 2023	Revision No.	No. of pages 5
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### 1. PURPOSE:

This policy is intended to provide authorized officers assigned responsibilities associated with the deployment and use of small unmanned aircraft systems (sUAS) with instructions on when and how this technology and the information it provides may be used for law enforcement and public safety purposes in accordance with law.

### 2. POLICY:

It is the policy of this department that duly trained and authorized agency personnel may deploy the sUAS when such use is appropriate in the performance of their official duties, and where deployment use, the collection, and use of any audio/video recordings or other data originating from or generated by the sUAS, comport with the policy provisions provided herein and applicable law.

### 3. DEFINITIONS:

- A. Digital Multimedia Evidence (DME): Digital recording of images, sounds, and associated data.
- B. Unmanned Aircraft (UA) or Unmanned Aerial Vehicle (UAV): An aircraft that is intended to navigate in the air without an on-board pilot. Also alternatively called Remotely Piloted Aircraft (RPA), Remotely Operated Vehicle (ROV), or Drone.
- C. Unmanned Aircraft System (UAS): A system that includes the necessary equipment, network, and personnel to control an unmanned aircraft.
- D. Small Unmanned Aircraft Systems (sUAS): An unmanned aircraft and its associated elements, including communication links and the components that control the aircraft that are required for safe and efficient operation.
- E. UAS Flight Crewmember: A pilot, visual observer, payload operator, maintenance technician or the person assigned duties for a UAS for the purpose of flight training exercises.
- F. Unmanned Aircraft Pilot: A person who exercises control over a UA/UAVG/UAS during flight.
- G. COA: Certificate of Authorization as issued by the Federal Aviation Administration (FAA) pursuant to 14 CFR 107.
- H. Remote Pilot In Command: The pilot of the sUAS which is responsible for all activities and safety in regards to the operation of the sUAS flight. The Remote Pilot in Command is the final authority as to the operation of the sUAS regardless of rank.

- I. NOTAMS: A Notice To Airmen or NOTAMS is a notice containing information (not known sufficiently in advance to publicize by other means) concerning the establishment, condition, or change in any component (facility, service, or procedure of, or hazard in the National Airspace System) the timely knowledge of which is essential to personnel concerned with flight operations.
- J. Exigent Circumstances Legal Definition - Merriam-Webster: circumstances that are of such urgency as to justify a warrantless entry, search, or seizure by police when a warrant would ordinarily be required.

#### **4. PROCEDURES:**

All deployments of sUAS must be specifically authorized by the OIC or sUAS Supervisor. The Worcester Police Department has adopted the uses of sUAS to provide an aerial visual perspective in responding to emergency situation and exigent circumstances, and for the following objectives:

- A. Situational Awareness: To assist Incident Command in understanding the nature, scale, and scope of an incident and/or for planning and coordinating an effective response.
- B. Search and Rescue: To assist missing person investigations, Amber alerts, and other search and rescue missions.
- C. Tactical Deployment: To support the tactical deployment of officers and equipment in emergency situations (e.g., Incident involving hostages and barricades, support for large tactical operations, and temporary perimeter security situations).
- D. Visual Perspective: To provide an aerial visual perspective to assist officers in providing direction for crowd control, traffic incident management, and temporary perimeter security.
- E. Scene Documentation: To document a crime scene, accident scene, or other major scene (e.g., disaster managing, incident response, large scale forensic investigation).

#### **5. PROCEDURES OF sUAS USE:**

The Worcester Police Department must obtain applicable authorizations, permits, or certificates required by the Federal Aviation Administration prior to deploying or operating the sUAS, and these authorizations, permits, and certifications shall be maintained and current.

- A. The sUAS will be operated only by personnel (pilots and crewmembers) who have been trained and certified in the operation of the system.
- B. The sUAS pilot in command shall follow flight notification procedures in accordance with the FAA waiver assigned to the department.
- C. All sUAS certified personnel shall inspect and test sUAS equipment prior to deployment to verify the proper functioning of all equipment and airworthiness of the devices.
- D. The Remote Pilot in Command shall check weather reports and NOTAMS prior to launch.

- E. The sUAS equipment is the responsibility of the assigned officer(s) and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the sUAS Supervisor.
- F. The sUAS equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Worcester Police Department.
- G. All flights will be documented on a form or database designed for that purpose, and all flight time shall be accurately recorded. In addition, each deployment of the sUAS shall include information regarding the reason for the flight; time, date, and location of the flight; the name of the supervisor approving the deployment and the staff assigned; and a summary of the activities covered, actions taken, or outcomes from the deployment.
- H. Except for those instances where officer safety or investigation could be jeopardized and where reasonably possible and practical, agencies should consider notifying the public.

**6. PRIVACY:**

A sUAS shall not be used for viewing, recording or transmitting images and/or video in a criminal investigation at any location or property where a person has a reasonable expectation of privacy unless:

- A. A warrant has been approved for the search of the property;
- B. Consent by the owner or person responsible for the property is obtained or;
- C. Exigent circumstances exist, including but not limited to search and rescue missions, tactical missions, crash scenes, crime scenes, fire scenes, hazmat scenes and natural disasters.

**7. EVIDENCE RETENTION AND MANAGEMENT:**

- A. All DME (Digital Multimedia Evidence) shall be handled in accordance with existing policy on data and records retention. All evidentiary data collected shall be held in compliance with the current Massachusetts Statewide Records Retention Schedule.
- B. All DME shall be securely downloaded at the completion of each mission. The sUAS certified operators will record information on the file that shall include the date, time, location, and case reference numbers or other identifiers and identity of the sUAS personnel involved in the mission.
- C. Officers shall not edit, alter, erase, duplicate, share, or otherwise distribute any sUAS DME without prior authorization and approval of the sUAS Supervisor.
- D. All access to the sUAS DME must be specifically authorized by the sUAS Supervisor or his/her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- E. Files shall be securely stored in accordance with department policy and retention laws. The Worcester Police Department utilizes the Massachusetts state records retention schedule as a guide. For non-evidentiary video, the data is stored for a period of 30 days. However, video footage for open investigations may be kept longer pending the investigation and/or criminal

prosecution.

## **8. SUPERVISION AND REPORTING:**

- A. The sUAS supervisor shall manage all deployments and uses of the sUAS to ensure that officer(s) equipped with sUAS devices utilize them in accordance with policy and procedure defined herein.
- B. An authorized sUAS supervisor or administrator will audit flight documentation at regular intervals. The results of the audit will be documented.
- C. The sUAS supervisor or his/ her designee shall publish a quarterly report documenting the agency's deployment and use of the sUAS device which shall be distributed to the City Manager's office for review.
- D. The sUAS Pilot in Command shall be responsible for immediately reporting to the FAA in compliance with the FFA, COA and Part 107, any crashes or collisions involving the aircraft and shall also immediately notify the OIC who shall notify the sUAS supervisor. The Pilot in Command and any sUAS crew member(s) present during the crash shall complete an incident report and forward it to the sUAS supervisor.
- E. Any complaints regarding the sUAS shall be forwarded to the Chief of Police to be handled in compliance with The Bureau of Professional Standards protocols.

## **9. RESTRICTIONS USING THE sUAS:**

- A. The sUAS shall not be operated in an unsafe manner or in violation of Federal Aviation Administration (FAA) regulations.
- B. The sUAS shall not be equipped with any weapons.
- C. The sUAS shall not be utilized in any effort which would violate any applicable civil rights and or civil liberties. The Worcester Police Department will comply with all statutes, rules, regulations, and case law regarding these issues. It shall be the responsibility of the sUAS unit leader to ensure this effort.
- D. UAS-recorded data will not be collected, disseminated or retained for the purpose of monitoring activities protected by the U.S. Constitution, such as the First Amendment's protections of religion, speech, press, assembly, and redress of grievances (e.g., protests, demonstrations).
- E. Collection, use, dissemination, or retention of UAS-recorded data shall not be based on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender identity, religion, age, or gender), nor to harass, intimidate or discriminate against any individual or group.
- F. The Worcester Police Department does not own or possess any facial recognition surveillance technology or equipment and the sUAS would not include facial surveillance technology.

## 10. QUALIFICATIONS AND TRAINING:

- A. Police personnel who are assigned to deploy the sUAS must complete an agency approved training program to ensure proper use and operation.
- B. Additional training may be required at periodic intervals to ensure the continued effective use, operation, proper calibration, and performance of the equipment to incorporate changes.
- C. All agency personnel with sUAS responsibility, including command, shall also be trained in local and federal laws and regulations, as well as this policy governing the use of sUAS. All personnel assigned with the sUAS shall be certified with the FAA under 14 CFR 107 as a licensed remote pilot.
- D. sUAS Flight Crew Member selection will be performed by the Chief of Police or his designee.

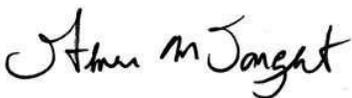
## 11. MAINTENANCE:

- A. The sUAS shall have a regular maintenance schedule in place that is in accordance with the recommendations set forth by the sUAS manufacturer for the specific aircraft, payload, intelligent batteries, and firmware. Maintenance to the sUAS and accessories shall be recorded in a digital maintenance log with restricted access to sUAS personnel and the Chief or her/his designee.
- B. The sUAS supervisor shall oversee the maintenance of the sUAS and conduct monthly audits of maintenance records. The sUAS supervisor shall assign a Maintenance Technician within the sUAS special assignment to conduct all maintenance associated with the sUAS and record keeping of maintenance conducted on the sUAS.

## 12. AIRCRAFT:

The Worcester Police Department UAS Program has chosen the DJI Mini 3 Pro and DJI Matrice 30T to provide aerial assistance to the Worcester Police Department as well as other City of Worcester first responders, in a safe and transparent manner. These aircraft were chosen to enhance the quality of life for the residents of the City of Worcester while keeping residents and nonresidents safety in the forefront. The DJI Mini 3 Pro and the DJI Matrice 30T each exceed the requirements set forth in this policy as well as meeting FAA regulations and Massachusetts law.

Per:



Steven M. Sargent  
Chief of Police



CITY OF WORCESTER  
PART TWO, ORGANIZATION OF CITY AGENCIES OF THE REVISED ORDINANCES OF 2015  
Ordained by the City Council September 21, 2015 As Amended Through April 11, 2023

Article 10 Department of Human Services

§ 10. Human Rights Commission

(a) *Establishment of Human Rights Commission.* Under authority of Article Six of the Home Rule Charter and to promote the human rights policy of the city, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Human Rights Commission” (“commission”).

(b) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall be staggered such that no more than three terms expire in any one year. The commission shall annually select one of its members as its chair. The chair shall preside over the meetings of the commission. The commission shall represent a broad spectrum of the Worcester community. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(c) *Transition Membership.* This reorganization ordinance will consolidate the Diversity Inclusion Advisory Committee and the Human Rights. Upon the effective date of this organizational ordinance, the three remaining members of the Diversity Advisory Committee shall automatically become members of the Human Rights Commission to serve out the remainder of their current terms, and upon such expiration the membership of the Human Rights Commission shall revert to nine members.

(d) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

(1) conduct investigations: to receive and investigate complaints of and to initiate its own complaints and/or investigations of:

(A) the denial of equal access to and discrimination in employment, housing, education, recreation and public accommodation (regardless of the public or private source of such denial or discrimination) where such denial or discrimination against a person is based on race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;

(B) the denial to any person of equal access to and benefit from all public services;

(C) the violation of the enjoyment and exercise by any person of his or her civil rights; and,

(D) the presence in the city of prejudice, intolerance, bigotry, discrimination and the disorder occasioned thereby; provided, however, that the director of human rights and accessibility, with notice to the commission, shall refer any allegation involving the conduct of the any city employee, including the city manager, city clerk, city auditor or the superintendent of schools, to the Massachusetts Commission Against Discrimination or other appropriate state or federal agency and shall in no event initiate or otherwise conduct any investigation or inquiry regarding these officials or employees.

(2) hold hearings: to take testimony, administer oaths, and conduct hearings and adjudicatory proceedings in accordance with sections 9, 10 and 11 of G.L. c.30A on any matter within its jurisdiction and, with the assistance and advice of the city solicitor, subpoena witnesses, seek court orders to compel the attendance of witnesses or the production of documents or other evidence;

(3) conduct mediation: to attempt, by mediation, to resolve any complaint over which it has jurisdiction and to recommend to the city manager or other appropriate governmental agency, federal, state or local, such action as it deems appropriate. In the conduct of any such mediation the commission may utilize not

only the members and staff of the commission but such organizations as the Worcester County Bar Association, the National Association for Dispute Settlement of the American Arbitration Association and any other similar organizations;

(4) issue orders and reports: after completion of any investigation or hearings on any complaint or matter not resolved by mediation, the commission may:

(A) upon a finding of an "unlawful practice", as that term is defined under

(B) section 4 of G.L. c.151B, issue cease and desist orders to the party believed to be responsible for such unlawful practice; provided, however, that in no event shall the commission issue any cease and desist orders to the city, its departments and agencies, or its employees insofar as the city employee is or was acting within the scope of his or her employment. make a written report of its recommendations and findings to:

(i) the city manager on any matter within the manager's jurisdiction for review and implementation (including the taking of disciplinary or administrative action) as the city manager deems justified; or,

(ii) the school committee or superintendent of schools on any matter within their jurisdiction; or

(iii) the city council for employees under its jurisdiction; or the Massachusetts Commission Against Discrimination (MCAD) on any matter within its jurisdiction;

(iv) other governmental agency having jurisdiction over the matter in question, and, in all cases, urging and using its best efforts to bring about compliance with its recommendation;

or

(C) assist in securing legal representation for complainants for who, in the opinion of the commission, are indigent or facing undue financial hardship and arrange for legal representation for any complainant who, in the opinion of the commission, has a justifiable complaint which involves a matter outside of the jurisdiction of either the city manager, city council, superintendent of schools or school committee, yet one which is within the jurisdiction of the commission but must be processed by the complainant before the MCAD or some other state or federal governmental agency (or court), provided, however, that the commission shall attempt to secure such representation only for those complainants for whom undue hardship, in the opinion of the commission, would otherwise result;

(5) review departmental policies: to review the existing policies, rules and regulations of any city department, board, commission or agency and provide its comments, conclusions and recommendations in writing to the city manager and the head or executive officer of any such city department, board, commission or agency, to the extent the foregoing regulations relate to the human rights ordinance of the city;

(6) review departmental disciplinary actions: to review the results of any internal disciplinary action taken by any department, board, commission or agency of the city, including reports of the internal affairs division of the police department, and to make comments, conclusions and recommendations jointly to the city manager and the head or executive officer of any such department or agency to the extent such internal disciplinary investigations relate to the human rights ordinance of the city. Upon the request of the director, the head or executive officer of any department or agency of the city shall forward to the director a copy of any internal disciplinary action report at such time and only to the extent such report becomes a public record under the laws of the commonwealth. The head or executive officer of any city department or agency shall also furnish, subject to the provisions of this ordinance and with the advice and consent of the city solicitor, any other such records and information that the director may request relative to any internal disciplinary action. The director shall furnish the commission with copies of any internal disciplinary action report so received and may disclose to the commission, in an appropriate manner or setting as permitted or required by law, any other records and information received pursuant to this subsection. Any individual employed by the city, including members of the commission, the director or other staff, whether compensated or volunteers, who discloses any records or information of a personal nature or otherwise not subject to mandatory release under the public records law of the commonwealth, to any person, except

as provided for herein, may be subjected to employee discipline by the appropriate city official or removed from the commission by the city manager, as the case may be;

(7) issue publications: to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, national origin, sex, age or ancestry, marital status, parental status, sexual orientation, disability or source of income;

(8) develop training programs: to develop, in cooperation with the executive offices of human resources and employment and training as well as any federal, state or other city agency or department, programs of instruction for city employees, other municipal employees, or private sector businesses, institutions or employees concerning the elimination of prejudice, intolerance, bigotry and discrimination and the value of mutual self-respect and the achievement of harmonious relationships among all individuals;

(9) create committees: to create such committees from the members of the commission as, in the commission's judgment, will best aid in effectuating the provisions of this ordinance and to empower such sub-committees to study the problems of prejudice, intolerance, bigotry and discrimination existing in the city due to denial of equal treatment as a result of race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;

(10) make recommendations and annual reports: to make such recommendations to any public official or public body as, in its judgment, will effectuate the policy of this ordinance and, annually, to make a written report to the city manager of its activities. The commission's annual report to the city manager shall be made available to the public;

(11) make rules and regulations: to adopt rules and regulations consistent with this ordinance and the laws of the commonwealth to carry out the policy and provisions of this ordinance and the powers and duties of the commission in connection therewith; and to perform such other duties as may be prescribed under law;

(12) In no event shall the commission file, or in any way be a party to any criminal actions or complaints in any court of law. In all civil matters the commission shall be represented solely by the city solicitor.

(e) *Contributions*. The commission may, with the approval of the city manager and city council, on behalf of the city, accept contributions, grants, and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the provisions of this section.

(f) *Relations with City Agencies*. Subject to the provisions of the city charter and the laws of the Commonwealth, the commission shall receive the cooperation and assistance of all city departments and agencies. The commission shall respect the privacy of all individuals. In the event the staff or members of the commission receive any documents or information of a confidential nature, or which would be exempt from disclosure under the public records law or which pertains to a subject eligible for discussion in executive session, neither the staff nor members of the commission shall release or divulge such documents or information to parties outside of the commission, its staff, the law department or any other appropriate city official. Unless otherwise provided, herein, all city departments and agencies shall respond to commission requests for administrative and legal services within ten working days of the date of receipt of any such request.

(g) *Definitions*. For purposes of this section the following definitions shall apply:

“age” refers to the actual or supposed chronological age of an individual eighteen years or older and shall relate to claims of denial of equal treatment due to age. This shall not limit the rights of persons under age eighteen to file a complaint for other than age discrimination (e.g. race discrimination, etc.) if accompanied by a guardian, where necessary.

“disability” refers to any actual or supposed physical or mental handicap of an individual, other than legal incompetency.

“gender identity and expression” shall mean a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth. Gender-related identity may be shown by providing evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held as part of a person's core identity; provided, however, that gender-related identity shall not be asserted for any improper purpose.

“genetic information” shall mean any written, recorded individually identifiable information of a genetic test as defined by this section or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes. For purposes of this ordinance, the term genetic information shall not include information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.

“internal disciplinary investigation” refers to any inquiry by the city manager or head of any city department or agency to determine whether the conduct of city employees complies with the ordinances, orders, policies and procedures of the city and, if not, what disciplinary measures are appropriate, insofar as such conduct involves allegations of the impairment or violation of the civil or human rights of any individual.

“marital status” refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.

“parental status” refers to the actual or supposed condition of having or not having children.

“person” includes, but is not limited to, one or more individuals, partnerships, associations, corporations, agencies, legal representatives, trustees, trustees in bankruptcy and receivers, the city and all political subdivisions, boards and commissions.

“sexual orientation” refers to actual or supposed homosexuality, heterosexuality or bisexuality or orientation or practice including, but not limited to, an orientation that may be presumed on the basis of mannerisms, physical characteristics, manner of dress or deportment, and shall be interpreted in light of the provisions of chapter 151B of the General Laws.

“source of income” refers to the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents excluding the use of criminal activities as a means of support.

(h) *Construction.* The provisions of this section shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal and state law.

(g) *Effect of State and Federal Law.* Nothing in this section shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of the commonwealth of Massachusetts or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this section.



# Questions for Worcester Police Department

## Annual Requests to the WPD for Reports to the Commission

- Annual hate crime statistics;
- Annual bureau of professional standards report;
- Annual report on WPD Diversity Officers recruitment, outreach, and initiatives

## Outstanding Requests from July/October 2022 meetings with WPD

- Response on whether all WPD officers will be issued city cell phones and when?
- Report on number of WPD personnel who are fluent in a language other than English (specify language)
- Passing rate for 2022 Police Civil Service Exam (broken down by race and gender)
- Share link to LGBTQ liaison tab on WPD webpages
- Share data on motor vehicle stops of city residents with a focus on the breakdown of stops and citations by race, by department, by location (zip code or specific intersections), and the highest number of stops and citations by a particular officer verses the average
- Share WPD drone policy
- Share for review the draft/final WPD Limited English Proficiency policy and procedures
- Date for next citizen police academy program

## New requests to the WPD for Reports to the Commission

- Please provide a report on 2022 police paid details. In such report, please:
  - List paid details by date, type, number of hours, number of officers, pay rate.
  - Provide explanation as to the request process, special requirements, minimum hours, fee schedule and cite applicable authority.
  - List the number and reasons for unfilled requests.
- Please indicate how many civil rights lawsuits has the WPD settled over the past decade?
  - How much money has been paid out per lawsuit and in the aggregate over the past decade?
  - How many of these settlements involved claims of use of excessive force?
  - How many of these settlements involved claims of unconstitutional stop and frisks?
  - How many of these settlements involved claims of unlawful arrest?
  - How many of these settlements involved claims of the use of race and/or national origin as factors in deciding to stop and frisk and/or arrest?
  - What policy and /or practice changes have been implemented in the wake of these settlements in order to prevent any further charges of civil rights violations?
- Please indicate how many arrests were made on the night of June 1-2, 2020?
  - Please break down that number by type of charge.
  - Please indicate for each type of charge which arrests involved POC.
  - In how many of those arrests were cell phones seized or damaged?
  - How many of the charges filed resulted in dismissal nolle prosequi?
- Please describe the duties of the WPD Tactical Patrol Force Project 6 \*(henceforth Patrol Force).

- When was it created?
- With what purpose?
- How many arrests has that patrol force made since its inception?
- Please break down those arrests by category.
- What percentage of those arrests involved POC?
- What percentage of those arrests resulted in convictions?
- What percentage of those convictions involved POC?
- Have any actions of the Patrol Force been challenged in civil rights lawsuits?
- Have any of those lawsuits resulted in settlements?
- Please detail the amounts paid for each such settlement.
- Please provide detailed inventory of any incident over the past five years in which any member of the WPD utilized a Safari-Smoke Grenade, including:
  - the event at which the grenade was deployed,
  - the number of grenades deployed,
  - the policy officer(s) who deployed the grenade(s), and
  - any report(s) filed of injuries sustained by police officers and/or civilians as a result of the use of such grenade(s).
- Please provide detailed inventory of any incident over the past five years in which any member of the WPD utilized stinger grenades, sponge X-act impact rounds, triple chaser OC canisters, and/or 40mm eXact impact rounds (henceforth "devices"), including:
  - the event at which the device(s) was/were deployed,
  - the number of device(s) deployed,
  - the policy officer(s) who deployed the device(s), and
  - any report(s) filed of injuries sustained by police officers and/or civilians as a result of the use of such device(s).
- Please list the number of incident reports filed over the past five years reporting the use of force at a Level Three or higher? For each report please indicate:
  - if the subject was a POC?
  - if an actual arrest was made,
  - if charges were filed and the disposition of those charges, and
  - please indicate the name(s) of the police officers involved.
- Please detail every WPD BOPS internal investigation that has been conducted over the past five years and the disposition of such investigation.
- Please detail every disciplinary action against any policy officer for the use of excessive force, including the name of the police officer, over the past five years. Please indicate for each such case whether criminal prosecution against the officer(s) ensued and the result of any such prosecution.
- Please detail every disciplinary action against any policy officer for the filing of a false report, including the name of the police officer, over the past five years. Please indicate for each such case whether criminal prosecution against the officer(s) ensued and the result of any such prosecution.
- Please detail the number of uses of tasers over the last five years and, for each such use please indicate:
  - the stated rationale for the use of said taser(s)
  - whether the incident resulted in an arrest,
  - whether the arrest resulted in charges and the ultimate disposition of such charges, and
  - whether the incident involved a person of color.