

Chairperson
Ellen Shemitz

Vice-chairperson
Elizabeth O'Callahan

Clerk
[vacant]



Human Rights Commission

Members:
Robert Bilotta
Guillermo Creamer
Randy Feldman
Charles Hopkins
Jamaine Ortiz
Bernard Reese
Jacqueline Yang

MEETING MINUTES

Monday, January 22, 2024, 6:00pm

1. **Call to order: About 6:10 PM**

- a. **Present:** Ellen Shemitz, Liz O'Callahan, Guillermo Creamer, Randy Feldman, Charles Hopkins, Jacqueline Yang
- b. **Absent:** Robert Bilotta, Jamaine Ortiz, Bernard Reese

2. **Mission of the Human Rights Commission:**

The Human Rights Commission was established to promote the city's human rights policies. It is the policy of the City to assure every individual equal access 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 member of our community to the detriment of others. We take time to make this acknowledgment, to educate so a path can be cleared for healing.

3. **Terms:**

The term "institutional racism" refers specifically to the ways in which institutional policies **create** different 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 not to see it but nevertheless it puts them at an advantage against those who do not have it.

- **Statement Honoring the Nipmuc People:** We acknowledge the traditional and ancestral territory of the Nipmuc, the first people of Massachusetts whose lands we are convening on tonight. While the Nipmuc history predates written history, records from the 1600’s 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 acknowledgement 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.

4. Unanimous approval of December 4, 2023 minutes by roll call vote.

5. Conversation on Homelessness and Housing with Commissioner of Health and Human Services Dr. Matilde Castiel:

The HRC warmly welcomed Dr. Castiel and referenced questions sent to her in anticipation of the meeting as well as relevant data and reports that Commissioners reviewed.

Dr. Castiel: She has been with the City for 8 years and has worked in Latino and Black communities. She opened a treatment facility in 2009 for Latino men; people who didn’t speak the language were not comfortable seeking treatment in other settings. Transition houses were set up for people who finished the program, no job skills, maybe had been incarcerated. We opened a second transition house and continued with clinical and medical treatment. We opened the Reyes café where people can learn job related skills.

When she came to the City, there were no recovery coaches or homeless outreach. Now, there is a full-time homeless outreach worker, recovery coaches, a social worker, and a homelessness strategist. She is working now with the state house and community to garner funding to see how to produce housing.

In 2011, functional zero was reached; this doesn’t mean that there were no homeless people. When homeless people came in, others left, and we had numbers of people coming in and then

leaving. We are now working to see how to get back to functional zero. We are away from functional zero, we are quite a long way away. We can't say when we will get there.

The goal in 2016 was 103 units. There will be 90 units of supportive housing that are coming up, by the end of this year at the Oriole Drive Hotel. There are almost 200 units of housing coming up.

The Chair: The new goal is 200 and about 90 are about to come up. How far from functional zero are we now?

Dr. Castiel: We have a ways to go. I don't think can say exactly because there is such an influx coming in and going out. At SMOC it can run from 110 to 130 of homeless individuals coming in every night. MLK has 40 units in one section and 20 in another section of single room occupancy. MLK will be looking for another 20. There is a shelter at the RMV that started with 60 beds and went to 82. The highest has been 65 or 70 beds used. There was Lift that was a shelter for women with 15 beds. They were funded through various organizations, but the night shelter has closed and we are trying to make accommodations at the RMV. The day of the protest at the RMV: the women were all offered beds and 3 women did accept. That's the discussion point: is that the model we want? For now, yes, but what happened during the pandemic, we had congregate shelters and we should not have congregate shelters. Using hotels room is the goal so everyone can have a room. The goal is for every person to have a room. We opened a clinic at SMOC shelter trying to figure out how to provide the best care possible. We have people with mental health and substance abuse issues who have not been treated. We worked to get the mobile van to bring medical care to the community, to bring care to people in shelter or encampment. In addition to medical care, they bring medication, including suboxone, and other medication treatment. The methadone van comes from Spectrum and provides the medication to people whether they go to SMOC, RMV, or anywhere else. We are trying to figure out how to stabilize people so we can bring them into housing. Everyone will agree that housing needs to be provided, but getting the housing takes a long time.

Staffing is a problem. The shelters do the training and collaborate with other agencies, but staffing is a problem everywhere. We did the same thing as with the RMV when we opened Blessed Sacrament shelter. The hardest thing is that people don't want the homeless in their backyard and that makes everything incredibly difficult. We asked the community to come and talk to them, play games with them. The people are afraid to come into the community because the community doesn't want them. We need to discuss how to change the stigma.

The Chair: Is there potential for collaboration with the WPS so that they understand and can educate parents.

Dr. Castiel: We are trying to have those communications with schools. People feel like they do not want kids to see homelessness. We should acknowledge reality of life though.

Commissioner: Member acknowledged that Dr. Castiel had a thankless job and he thanked her for her work. Regarding the RMV ? Can you speak to that?

Dr. Castiel: She wasn't sure that happened. SMOC has the place and the room. Maybe someone said something, and if we knew, we would address it. We need to know what is happening in the shelters. Protesters did not reach out to the office before protests. Per a Commissioner's question, actions such as this make our job more difficult; we work hard to make sure everyone is included, and it caused chaos.

Commissioner: Was there contact information so people can contact Dr. Castiel at HHS?

Dr. Castiel: She is at HHS on first floor city hall. Her email address is castielm@worcesterma.gov.

Commissioner: When is the day center going to open?

Dr. Castiel: The people in the neighborhood are not happy to have us there, but we are hoping we can have a place where people can hang out and watch tv and have nurses come, get a haircut and wash clothes. We don't want to make things worse; people should be able to sit where they want to and stay where they want to. We need to acquire the property and it's about getting the money to do it.

The Chair: There are reports of forceable eviction of encampments with police involvement. Is that factual?

Dr. Castiel: We don't force the eviction of encampments. We try to work with people to try to get them into housing. If they are in front of a restaurant and the restaurant wants them to move, we try to work with the person. If a homeowner calls and says they are in their back yard, we will work with the people and try to get them into housing.

I don't know cases when the police have forcibly moved anyone. The police or state do try to give them some time to get their possession and step into a shelter and then a house. There may have been some incidents, but it is not our goal and not what we do. If there is private property, we try to work the people, give them warning, have a safe place to keep belongings while moving is taking place.

The Chair: Would it be helpful if the HRC made a policy recommendation to the City Manager that there be an adequate notice of removing encampments on private property, clear specification of where the people could go and safe place for belongings?

Dr. Castiel: This would be help. This has been brought to City Council and its hard to decide how long is appropriate as a warning. We don't want to see people in encampments; we would like to have them in a shelter or home.

The Chair: She reiterated the possible policy recommendation and asked whether it would be helpful.

Dr. Castiel: The timeline is difficult because you can't keep people on private property for 2 months. The question is how to best do this. What was reported is not part of HHS practices.

HRC briefly discussed the possibility of moving to adopt the Chair's recommendations.

Commissioner: This will take more discussion, but there are important legal distinctions when we talk about public lands and private lands. I don't know if its proper to make one rule to encompass everything and get so granular.

Commissioner: Is there good coordination with neighborhood police?

Dr. Castiel said that there was, and she detailed the great strides her office was making in taking care of people and getting them into treatment, and ultimately into housing.

Commissioner: My concern is putting HRC's name on something with private property attached to it. I worry of how people will perceive this when talking about private property.

Commissioner: It would be good to revisit this in the future after working on the verbiage.

The motion was not seconded.

Commissioner: What a good fortune the City has you. He thanked her for her life's work. Regarding Becker College in Leicester- they are going to welcome homeless families. How does this fit into programs in Worcester.

Dr. Castiel: We looked at Becker and were told that we can't put homeless there because people don't want them there. If I put on Lincoln or Main South I am not allowed to go there. We should be able to put homeless people in housing that is available, but the people in the neighborhoods don't want them. I don't know how to change this except to say, go in and talk to them.

Commissioner: Maybe the HRC can come up with a campaign to educate the community on homelessness. He suggested a motion to help educate the community so they will understand and how the residents can be part of that healing.

Commissioner: Perhaps the City can establish a PSA around homelessness and addiction, and how residents can be part of the healing.

Dr. Castiel: We have considered this. The question is how to make people realize the homeless are people.

Commissioner: What you are talking about it vitally important.

Dr. Castiel: We want people to be treated with love. I treat people like they are my kids. Its about showing them you think of them no differently and we are willing to give. It changes peoples' minds. If they relapse they know who to call.

The Chair: The Commission on Homelessness was never established even though it's been on the books for decades. Should we ask for the establishment of this Commission that has been on the books for a long time? Should we ask they focus on trying to create broader community understanding of causes and look for community approaches.

Dr. Castiel: We have discussed this Commission. It takes time to meet with groups we currently have to meet with already. HHS oversees a number of task forces. Having this additional Commission could be one more thing. It would take too much administration.

Commissioner: It is not frequently broadcast when the homeless die in encampments. There were multiple already this year. Figuring out a way to make this issue more visible, so people care; we can help change how people think and act on this.

Commissioner: What should we look forward to in terms of placements into housing that already exist?

Dr. Castiel: We need to get people around the table to figure out how to fund the tiny home communities. If we can get people to volunteer their time and build this, then maybe it would be accepted. We want to do this. It's our problem and needs to be our solutions.

Commissioner: Funding is an issue. Does the affordable home act, if it passes, would that benefit the work you do?

Dr. Castiel: Yes, but I am leaving it to other agencies, and I wanted to use money in our community.

Commissioner: What would be helpful to you? What could the HRC do to help you?

Dr. Castiel: She would like for people to accept that everyone can live in the city. How do we change the minds of people? What if they volunteered there, what would happen?

Commissioner: Should we make a motion to the City Manager to establish a volunteer program that connects residents with volunteer opportunities with shelters?

Chair: Perhaps we can make a motion that the City Manager make a new program that is focused on helping the residents understand and volunteer in homeless shelters, with a paid coordinator to oversee the program.

Roll call for motion: Ask that the City Manager establish, possibly within HHS, a new program that is focused on engaging Worcester residents by connecting them to volunteer opportunities, in order to help them better understand, interact with, and support the unhoused in the

community, and create a program coordinator position, which is at least part-time, to staff that program.

This was unanimously accepted.

Commissioner: What is the prospect for more women shelters?

Dr. Castiel: We must look at a different way on how we are sheltering – with individual rooms- we need to stop congregate shelters.

The HRC thanked Dr. Castiel for her work, her guidance and appearing before the board.

6. Continued Discussion of the Human Rights Commission’s Priorities and Related Issues:

a. Updates from Interim Executive Director of the Human Rights and Accessibility

Office Victor Perez

- i. Memorandum to City Manager regarding HRC Motions, dated December 13, 2023: This memorandum summarized the motions that HRC made after meeting with HHS. The City Manager received the Memorandum.
- ii. A couple of items: The conversation has been that they are already working on hiring the position for the of Equity Office, including a second investigator, the Chief Equity Officer, and other positions. Regarding motion 7- we asked the City Manager to support a request that someone from Economic Development come to speak with HRC, and the City Manager offered that the HRC could have relevant discussion with Dr. Castiel, which we did and identify individuals to speak to from Economic Development. Regarding motion 8 - the City Manager supports HRC’s request to speak with Charles Goodwin discuss cooling and warming centers. Charles just appeared on this to the Accessibility Advisory Commission.
- iii. The Chief Equity Officer Search: An offer was made and not accepted and the offer was not made to the second choice for reasons. It’s been now over 2 years since we have had an Officer. Attorney Perez stated -
 1. This will not be going through the vendor, but internally handled through HR.
 2. The City is filling other roles in the department such as an additional investigator and the Director of Human Rights and Accessibility.

- iv. Dates for 2024 HRC Meetings: February 26, March 25, May 6, June 3, June 24, July 22, August 26, September 23, October 28, November 25, December 23 – please put on your calendar – please ask the absent members to put on their calendars. One Commissioner suggested they move the November and December dates due to holidays.
- v. Memorandum from the City Solicitor’s Office on Working Groups and Open Meeting Law –
 1. Attorney Perez reached out the Assistant City Solicitor after last meeting. The latter issued a memorandum stating that work groups are de-facto subcommittees and must comply with Open Meeting Law with agendas posted and minutes. The complaint from a resident came in after reaching out the Assistant Solicitor. We can then create minutes.
 2. The Chair reached to the Attorney General’s Office and called again today to get something in writing. Until we get clarification from the Attorney General, should we establish work groups and create agendas and minutes? If we post agendas, we will invite Attorney Perez, but the Chair knows he has 2 jobs and would not always be able to join us.
 3. Attorney Perez clarified that the memorandum was very limited to the question that came to them and based on information from last meeting. While a Commissioner asked if the City Solicitor’s Office also talk to the same person form the AG’s Office for clarification, there is no reason to question the legal thoroughness of the Assistant City Solicitor’s memorandum. There are a couple of requirements since the work groups are seen as subcommittees: the agenda is posted with the City Clerk and there would be minutes. The meeting would be open to the public to come in and participation. My role is staff liaison and that means I am here to support the Commission and every meeting should have a liaison in attendance, to provide guidance: “Are we staying in the scope of what the HRC should be doing?” and are we

following the rules of Open Meeting Law? It's an important role I would have to play and the same would be true for the future liaison.

4. The Chair: Given the memorandum from Assistant City Solicitor that these working groups would be subcommittees; does the HRC want to keep the subcommittees? The regular agenda will have reports from the subcommittees at every meeting.
5. Commissioner: If one person was the lead on each item, perhaps we would not need sub-committees etc. The person could do the work and report to the board.
6. Attorney Perez said there is some conversation that the HRC could go through training on OML, so they understand the legalities.
7. The Chair: Can we ask Attorney General to come in March and clarify so we can decide on whether to put together subcommittees?
8. Commissioner: Regarding the formation of sub-committees, maybe we can have another city employee attend. We should talk to the Attorney General's Office and to see if the City Solicitor's Office is right and interpreting the law correctly. And then after March we can go forward.
9. Attorney Perez said this memo was specific to a very specified set of circumstances. Speaking with the AG is not about fact checking or proofreading other people's work, but rather it's about seeing how another a set of facts might have another outcome.
10. The Chair: To summarize, we are asking Attorney Perez to reach out to the Attorney General's Office for training at our March meeting, and then we will discuss the viability of workgroups and sub-committees. Our role is to move work forward, meet the OML, and allow us to make the best researched and best-grounded recommendations to advance policy and practice to advance equity and inclusion across the City.

vi. Meeting involving HRC Leadership and City Manager's Office on January 24, 2024- This item was tabled because of time.

- b. **Pending Open Meeting Law Complaint Against HRC with Chair.** After last meeting complaint came in from a member of the community that quoted me as saying, "we can set up workgroups of four or less people so we wouldn't have to abide by OML requirements." The complaint said it was a deliberate action to go around the OML since the law was quoted. The complainant appeared to drop the complaint, but decided to go forward with the complaint and the City Solicitors Office is working on a timely response. The City Solicitor's Office handles and responds to OML complaints.
- c. There was a question regarding the board member meeting with the Chair and City Manager. Attorney Perez will get clarification from City Solicitor's Office.

7. Continued Conversation regarding the Worcester Police Department:

- a. Language Access- A question was raised regarding the lack of LEP policy in WPD and how issues could quickly escalate with the constituents. The City is working on a policy to address LEP. A policy was drafted, and Attorney Perez helped to work on it, and the Chair just received it. The Chair looked at both the Denver and Worcester policies and there are significant differences. The Denver policy uses mandatory language, such as "shall," and there is no such language in Worcester policy. We don't want to cast aspersions on Worcester PD; we want to ensure a best practice policy that will ensure the residents will be better served. The Chair asked if someone would be willing to take on looking at the WPD policy. A Commissioner asked if the mandatory term, "shall," would affect bargaining. It may be that we make recommendations to the City Manager and if our recommendations cannot be implemented, we have no control. This discussion will be continuing in the February meeting.

b. Internal Policy Review Committee:

- i. Policy #710: Concerning Juvenile Arrest Procedures
- ii. Use of Force Policy

The WPD is currently in review of these policies and the HRC will look at these policies next meeting.

A Commissioner requested information on the policy on Welfare Checks, however the HRC will proceed according to the order that the WPD is working on policies.

c. Civil Service Exam Pass Rates:

- i. The WPD was able to get fail/passage rates from HRD in Boston. It does show concerning information: White men passed at 74%, Asian men at 50% and African American men at 42%. It raises the question if this Commission wants to get involved in the work the Diversity and Inclusion Committee began. A Commissioner suggested deferment until member who was on that Committee can share more information. They will keep this on the agenda for the next meeting and make a decision then.

d. News Reports of Traffic Stops by Race and Ethnicity

Traffic stops are reportedly disproportionate between White individuals and other ethnicities. In Worcester Telegram it was reported that WPD arrested Hispanic drivers and Black drivers disparately. This data came from a much larger data base than we had been given and we need to think what kind of data we want to collect. The same report also showed racial disparity in four other areas: Warnings, Arrest, Resident Citations and Search.

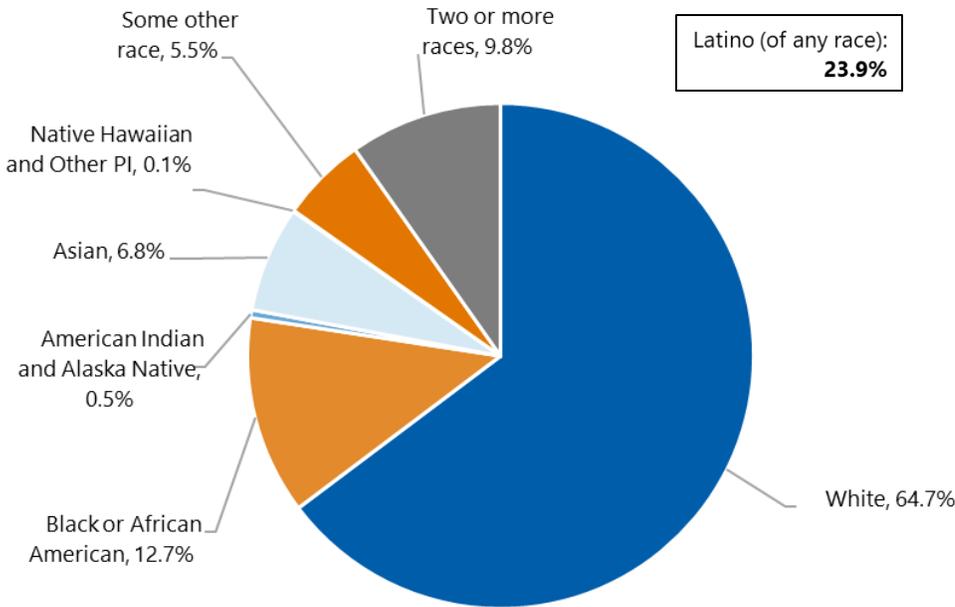
e. Hate Crimes Data- This topic was tabled until next meeting.

8. Adjournment: 8:57 PM

Next monthly meeting of the Human Rights Commission Monday, February 26, 2023, 6:00 pm at the Esther Howland Chamber in Worcester City Hall



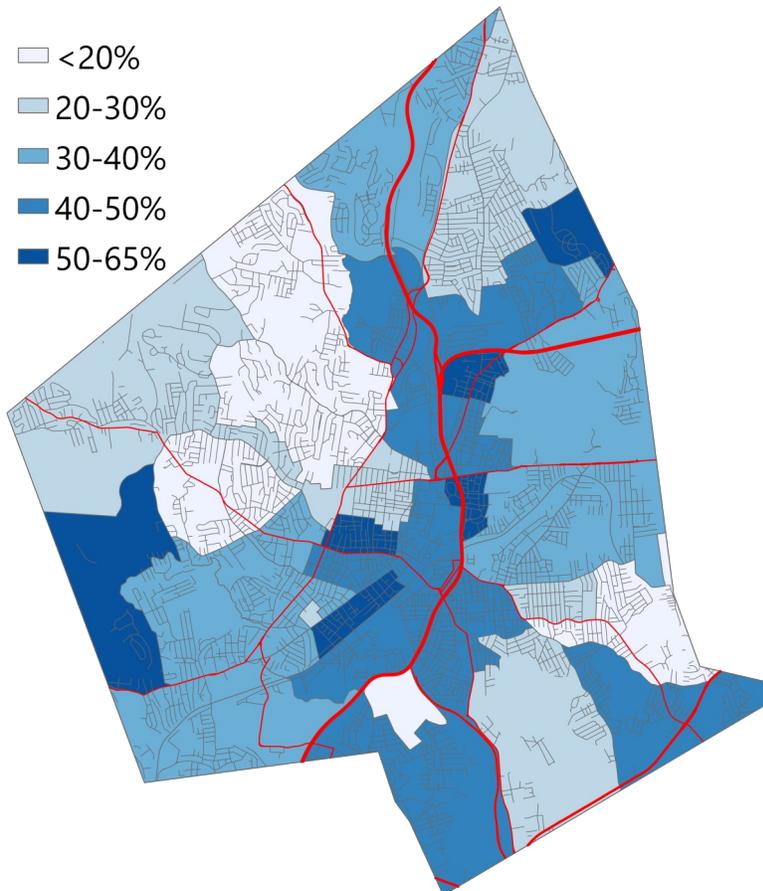
WORCESTER: POPULATION BY RACE & ETHNICITY, 2021



The U.S. Census Bureau tallies five categories of race: "American Indian or Alaska Native," "Asian," "Black or African American," "Native Hawaiian or Other Pacific Islander," and "White." Hispanic origin is defined as ethnicity, rather than race, and persons defined as Hispanic or Latino can be of any race.

Source: U.S. Census Bureau, 2021 5-Year American Community Survey Estimates

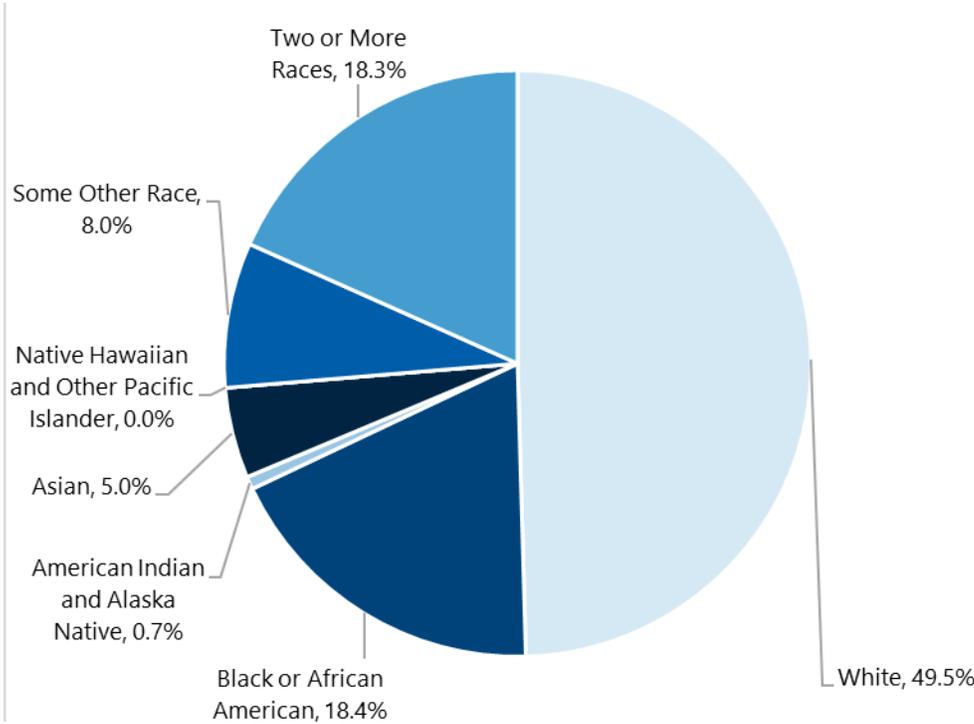
WORCESTER: PERCENT NON-WHITE POPULATION, 2021



Source: U.S. Census Bureau, 2021 5-Year American Community Survey Estimates



WORCESTER: CHILDREN UNDER 18 BY RACE, 2021



Worcester: Children Under 18 By Ethnicity, 2021

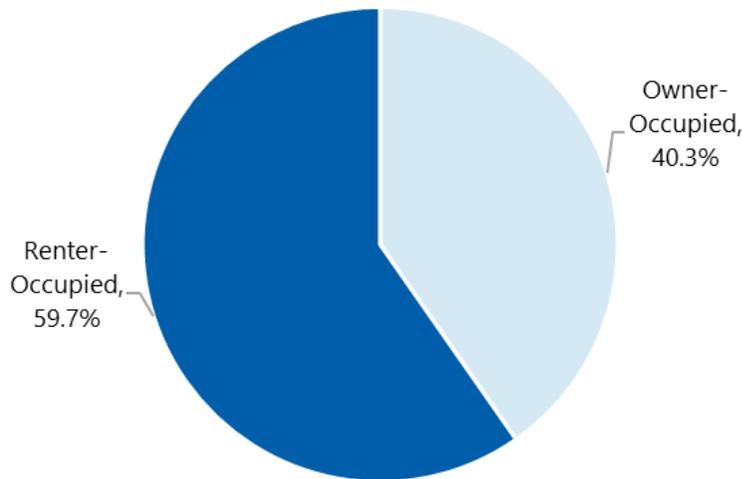
Hispanic or Latino Origin (of any race)	38.8%
Not of Hispanic or Latino Origin (of any race)	61.2%

Source: U.S. Census Bureau, 2021 5-Year American Community Service Estimates

The U.S. Census Bureau tallies five categories of race. Hispanic origin is described as ethnicity, rather than race, and persons defined as Hispanic or Latino can be of any race.

Source: U.S. Census Bureau, 2021 5-Year American Community Service Estimates

WORCESTER: CHILDREN UNDER 18 BY HOUSING TYPE, 2021



Source: U.S. Census Bureau, 2021 5-Year American Community Service Estimates

Annual Worcester County Homeless Point-In-Time Count					
	Sheltered			Unsheltered	Total
	Emergency Shelter	Transitional	Safe Haven		
Homeless under age 18	506	44	0	0	550
Annual City of Worcester Point-In-Time Count					
Households With Children	717	75	0	0	792

Source: Central Massachusetts Housing Alliance



Annual Worcester County Homeless Point-In-Time Count, 2023					
	Sheltered			Unsheltered	Total
	Emergency Shelter	Transitional	Safe Haven		
Total Homeless	1213	244	13	137	1,607
Chronically Homeless	229		12	51	292
<i>Age</i>					
# under age 18	506	44	0	0	550
# ages 18-24	79	27	0	6	112
# ages 24 and older	628	173	13	131	945
<i>Gender</i>					
Female	572	96	2	49	719
Male	599	145	11	88	843
Transgender	41	2	0	0	43
Questioning	0	0	0	0	0
Gender that is not singularly 'Female' or 'Male' (e.g. non-binary, genderfluid, agender, culturally specific gender)	1	1	0	0	2
<i>Race</i>					
White	610	151	8	123	892
Black, African American, or African	502	59	4	9	574
Asian or Asian American	5	5	1	1	12
American Indian, Alaska Native, or Indigenous	4	4	0	4	12
Native Hawaiian or Other Pacific Islander	5	2	0	0	7
Multiple Races	87	23	0	0	110
<i>Ethnicity</i>					
Non-Hispanic/Non-Latin(a)(o)(x)	710	165	9	117	1,001
Hispanic/Latino(a)(o)(x)	503	79	4	20	606
Annual City of Worcester Point-In-Time Count					
Households With Children	717	75	-	-	792
Households Without Children	245	144	13	51	453

Source: Central Massachusetts Housing Alliance

Worcester: Veterans, 2021			
Number of Veterans	6,440	Period of Service	
Veterans as % of Population 18 and Older	3.9%	Gulf War (September 2001 or later)	1,415
% of Veterans - Male	90.5%	Gulf War (August 1990 to August 2001)	847
% of Veterans - Female	9.5%	Vietnam era	2,204
% of Veterans - 18 to 64	52.7%	Korean War	406
% of Veterans - 65 and older	47.3%	World War II	183
% of Veterans - Disabled	29.9%		
% of Veterans - Below the Poverty Line	11.3%		

Source: U.S. Census Bureau, 2021 5-Year American Community Survey Estimates



Eric D. Batista
City Manager

CITY OF WORCESTER

cm2023nov07011500

Attachment for Item #

8.18 A

November 14, 2023

TO THE WORCESTER CITY COUNCIL

COUNCILORS:

The attached information relative to the different types of homelessness experienced by individuals in the city of Worcester, as received from Dr. Mattie Castiel, Commissioner of Health and Human Services, is forwarded as requested by your Honorable Body.

Worcester is currently facing a significant increase in homelessness. Over the past three years, the number of individuals experiencing chronic homelessness has doubled, reaching 132 from 65. The city is also facing challenges in accommodating migrant families as the available shelters are at full capacity.

The rental vacancy rate in Worcester has plummeted from 1.7% to 0.5%, marking the city with the lowest vacancy rate in the entire country. This shortage of available rental properties is intensifying the homeless situation further.

Additionally, the single adult homeless shelters in the city are operating at or near their maximum capacity. This strain severely restricts Worcester's ability to provide housing for those experiencing chronic homelessness.

Respectfully submitted,

Eric D. Batista
City Manager

Date: November 7, 2023

To: Eric D. Batista, City Manager

From: Matilde Castiel, MD, Commissioner of Health & Human Services

Re: City Council Report on HHS Homelessness Division

I respectfully submit the following report in response to Council Order #12897, aiming to provide an update on the various forms of homelessness experienced by individuals in our city. I kindly request that this information be shared with the City Council for their review and consideration.

Introduction:

Homelessness presents a significant challenge in the city of Worcester, stemming from various underlying causes. These issues are frequently linked to a scarcity of affordable housing, substance use, mental health concerns, displaced families arriving to the city, and the absence of a robust support system. Gaining insight into the different types of homelessness offers a significant advantage when addressing and devising solutions for the homelessness crisis in the city.

Types of Homelessness in Worcester Massachusetts

Reversible Homelessness:

Reversible Homelessness is described as the lack of inadequate shelter for an individual or group. Some examples are staying with friends, and family. Staying in a bed-and breakfast or a hostel, living at risk of violence, living in poor conditions that pose a risk to your health, living in overcrowded conditions, and living with insecure tenancy.

Irreversible Homelessness:

Irreversible homelessness typically refers to a situation where an individual or family experiences homelessness with significant barriers or circumstances that make it extremely challenging to transition out of homelessness and into stable housing. This could be due to a variety of factors such as chronic mental health issues, substance abuse problems, lack of a support network, limited access to resources, or a combination of these and other complex issues.

Chronic homelessness:

Chronic homelessness is a severe and complex issue in Worcester, affecting individuals who have been homeless for a year or more or have had at least four episodes of homelessness in the past three years. Moreover, those experiencing chronic homelessness often have a disabling condition as defined by the Department of Housing and Urban Development (HUD).

Episodic Homelessness:

Episodic homelessness is another prevalent category in Worcester, where individuals experience cycles of homelessness, with intermittent periods of being without a home throughout their lives.

This form of homelessness can be characterized by multiple instances of homelessness within a year. Individuals facing episodic homelessness often struggle with health concerns, mental health challenges, or substance use disorders.

Transitional Homelessness:

Transitional homelessness in Worcester represents a short-term housing instability resulting from unexpected crises. Individuals experiencing this form of homelessness often seek short-term housing or temporary shelter due to diverse causes. These causes may include job loss, health crises, sudden evictions, or individuals discharged from institutions without immediate housing options.

Unsheltered Homelessness:

Unsheltered homelessness in Worcester is a critical challenge, reflecting a section of the homeless community residing in the streets, parks, or inadequate shelter setups. The presence of unsheltered homeless individuals in Worcester can be attributed to several contributing factors. These encompass a range of challenges, including a shortage of affordable housing options, economic hardships leading to financial instability, insufficient mental health support, substance abuse issues, and inadequate community resources.

Family Homelessness:

In Worcester, homeless families, especially single parents with multiple children, face financial instability, a lack of affordable housing, and domestic challenges. These difficulties lead families to seek temporary housing, making it tough to establish a stable home. Additionally, the increasing number of migrant families has reduced available family shelters in the city, contributing to more families experiencing homelessness.

Hidden Homelessness:

Hidden homelessness in Worcester is a widespread yet often overlooked issue, involving diverse individuals facing unstable living conditions. This demographic includes people living in overcrowded homes, engaged in couch surfing, or in precarious housing due to financial constraints. It goes beyond those visibly on the streets to encompass young adults transitioning from foster care, families sharing homes for financial reasons, and individuals in severely overcrowded apartments due to limited affordable housing options.

Key Statistical Insights per CMHA, SMOC and Outreach team:

- Chronic homelessness in the city of Worcester doubled from 65 to 132 individuals between September 2020 and August 2023.
- The January 2022 point-in-time count in Worcester identified 51 individuals living in encampment sites, which tends to be higher during summer months.
- Currently, shelters for single adults in Worcester (25 Queen Street and MLK), are at full capacity or near full capacity. Between October 27th and October 30th, 25 Queen Street shelter hosted an average 94 individuals, while MLK shelter accommodated 53 people.
- 288 households with children in Worcester currently reside in shelters.
- Presently, all family shelters in Worcester are at maximum capacity and continue to be at high demand in a daily bases.
- Over 20,000 renting households in Worcester spend more than 30% of their income on rent, facing significant financial burdens due to the high cost of living.

- The rental vacancy rate in Worcester has decreased from 1.7% to 0.5% in recent months, making the city of Worcester, the community with the lowest vacancy rate in the country.
- In 2022, substance use, including alcohol, drug use, or both, was reported as a disabling condition in 59% of adults seeking assistance through the shelter or street outreach system

Respectfully,

A handwritten signature in cursive script that reads "Matilde Castiel MD".

Matilde Castiel, M.D.
Commissioner
Health & Human Services Department

From: [Perez, Victor](#)
To: [Castiel, Matilde](#)
Subject: Questions re HRC Meeting 1/22
Date: Friday, January 12, 2024 11:28:00 AM

Hello Dr. Castiel,

Thank you again for agreeing to attend the January 22nd HRC meeting. In anticipation of that meeting, HRC Commissioners put together a number of questions they would like for you to address. Please take a look at these questions.

1. How do emergency services meet the full needs of the Worcester homeless outside of bed placement and the provision of food?
 1. Are there any pending day-time initiatives to address the needs of the homeless? If so, what?
2. What plans are in place to address the deficit in low income housing in our community?
3. What are the biggest unmet public health needs in Worcester that need to be addressed?
 1. Are there any issues relevant to housing insecurity and homelessness that you do not usually get asked about and that you wish to highlight for us?
4. What is your overall impression of the permanent and temporary shelters in Worcester and their existing mechanisms for ensuring safety for program participants? What are the positives and the challenges that you have witnessed or of which you are aware?
5. The HRC recently became aware of ongoing difficulties with Worcester Public Library Staff being able to meet the needs of the visiting homeless residents. What kind of practices and procedures do you feel might address this reality?
6. What is the current status of homeless encampment sweeps in the City of Worcester? What can you tell us about their focus, frequency, and how they are executed?
7. The conversation about the cause of homelessness popularly revolves around limitations in affordable housing. Do you believe this is the sole factor? If not, what other factors are at play? Are these other factors more or less to blame than limitations in affordable housing?

Please let me know if you have any questions leading up to the meeting. Thank you.

Best,

Vic

Victor J. Perez, Esquire

Interim Executive Director of Human Rights and Accessibility &
Lead Investigator

Human Resources Department

City of Worcester | 455 Main Street, Room 109, Worcester, MA 01608

P: (508) 799-1030 ext. 31136 F: (508) 799-1040

E: perezv@worcesterma.gov

www.worcesterma.gov

*** *Due to the Commonwealth of Massachusetts' broad public records law, most written*

*communication to or from City of Worcester employees is considered a public record. Therefore, the contents of this email may be subject to disclosure in the event a request is made. No assumption of privacy should be made.****

2022 Hate Crimes Data Summary

Date	Reported As	Victim(s)	Suspect(s)	Charges	Complaint Charges	Additional Information
04/07/2022	Bomb Threat	School/Religious	Male/unknown (juvenile)	No	N/A	FBI/Joint Terrorism Task Force involved
02/27/2022	Assault with a Dangerous Weapon	Male/Unknown/24	Male/unknown/22	Yes	A&B on Family or Household Member Assault and Battery	
			Male/unknown/22	Yes	A&B with a Dangerous Weapon Civil Rights Violation with Injury	Suspect made statements re: sexual orientation of victim
			Male/unknown/22	Yes	A&B	
04/28/2022	Home Invasion	Male/Hispanic/26	Male/Hispanic/56	Yes	Home Invasion Threat to Commit a Crime	
		Female/Black/26	Female/Hispanic/41	Yes	Home Invasion Civil Rights Violation	Suspect made statements re: sexual orientation of one of the victims
04/29/2022	Assignment	None	None	No	N/A	Report of white nationalist sticker on a trail post (removed)
06/27/2022	Malicious Mischief	Male/Unknown/49	None ID	No		Victims' mailbox destroyed; MSP Bomb Squad assist. Possible civil rights hate crime based on domestic relationship of victims.

						Inactive due to lack of usable video to ID suspect
		Male/White/40				
07/20/2022	Neighbor dispute	Male/Black/69	Female/White/71	Yes	A&B Civil Rights Violation A&B to intimidate for Race/Religion (x3)	Spraying neighbors w hose while making racist statements
		Female/Black/60				
07/21/2022	Neighbor dispute	Male/Black/42	Female/White/71	Yes	A&B with dangerous weapon Civil rights violation (x2)	Spraying guest of neighbor with pepper spray while making racist statements
		Male/Unknown/39				
09/11/2022	Neighbor dispute	Female/Black/36	Male/Hispanic (juvenile)	Yes	Resisting Arrest Disorderly Conduct Disturbing the Peace Threat to commit a Crime (x2)	
			Male/Hispanic (juvenile)	Yes	Civil Rights Violation Vandalize/deface property willful/maliciously Threat to commit a crime Warrant arrest	Harassment and threats; using racial slur against victim
10/04/2022	Malicious mischief	School (public)	Male/unknown (juvenile)	No	N/A	Racist graffiti

10/10/2022	Malicious mischief	Male/Black/31	Male/White/60	Yes	Assault with a dangerous weapon (x2)	Suspect directed racial slurs towards victims
					Civil rights violation (x2)	
					Vandalize/deface property willful/maliciously (x2)	
					Disturbing the peace	
		Male/Black/35				
11/07/2022	Check on the welfare	Female/Hispanic/40	Male/unknown/28	Yes	A&B with a dangerous weapon	Does not fit Massachusetts state definition of hate crime but may be reported under NIBRS (federal)
					Strangulation or suffocation	
					A&B on Family or Household Member	
10/26/2022	Assault and Battery	Female/unknown (juvenile)	None	No	N/A	Reporting past incident that occurred at school; victim reports 2 black males called victim terrorist and pushed victim. No suspect information available.

From: [Perez, Victor](#)
To: [Perez, Victor](#)
Subject: ****Important**** City Solicitor's Legal Advice re Working Groups
Date: Tuesday, January 16, 2024 2:30:55 PM

Hi Everyone,

I hope this email finds you all well and staying warm. In line with my role as Staff Liaison, I reached out to the City Solicitor's Office ("the Office") last month to seek clarity on the potential Open Meeting Law ("OML") requirements around working groups, as was discussed during the last HRC meeting on December 4, 2023. The Office indicated that a memorandum detailing such information was forthcoming. In order to avoid any potential OML violations, we have not been taking concrete steps in furtherance of having these groups meet before the City Solicitor's Office releases a memorandum reflecting its position.

I very recently learned that while the memorandum is not yet complete, the Office believes that the groups "as contemplated by the HRC during its 12/04/2023 meeting would constitute formation of subcommittees." For subcommittees, quorum would be defined not in relation to the total number of HRC Commissioners, but by the total number of participants in a working group. As such, the Office indicated that Commission members would likely violate the OML by meeting in these working groups where there is no posted agenda, meeting minutes, etc., as required for public meetings.

I will let you know once I received the memorandum and any additional information, but I at least wanted to share what I have received thus far.

Best,

Vic

Victor J. Perez, Esquire

Interim Executive Director of Human Rights and Accessibility &
Lead Investigator

Human Resources Department

City of Worcester | 455 Main Street, Room 109, Worcester, MA 01608

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The City of
WORCESTER

MEMORANDUM

TO: Eric D. Batista, City Manager

CC: Hung Nguyen, Assistant City Manager

FROM: Victor Perez, Esq., Lead Investigator/ Interim Executive Director of the Human Rights and Accessibility Office on behalf of The Human Rights Commission

DATE: December 13, 2023

RE: The Human Rights Commission's Approved Motions from the Public Meeting on December 4, 2023

A. Background:

On December 4, 2023, the Human Rights Commission (HRC) convened for its monthly public meeting. The members discussed a public statement from the City Manager regarding the HRC, dated November 30, 2023, and met with Homeless Projects Manager Evis Terpollari and Homeless Strategist Henock Assefa from HHS for a discussion on homelessness in the City of Worcester.

B. Approved Motions:

During the public meeting on December 4, 2023, a quorum of the HRC approved the following motions:

1. In order to advance the City Manager's third and fourth articulated priorities regarding the creation of educational materials and a grievance process for the public, as described in the public statement from the City Manager regarding the HRC, dated November 30, 2023, the HRC respectfully asks that the City Manager prioritize the hiring of a Director of Human Rights and Accessibility and a second Investigator.
2. The HRC respectfully requests that the City create an emergency taskforce in partnership with surrounding towns to help formulate a comprehensive plan on homelessness and specifically address the short-term crisis.
3. The HRC endorses the City Council's recent recommendation that the City develop a strategic plan on hot spots.
4. The HRC respectfully requests that the report recently requested by the City Council on the impact of shelter closures be shared with HRC after it is made available to the City Council.



The City of
WORCESTER

5. The HRC respectfully requests that the City prioritize efforts to create climate controlled shelters that are available year round.
6. The HRC respectfully encourages the City Manager to explore options for a day resource center in the City.
7. The HRC respectfully asks that the City Manager support their request for the Office of Economic Development to: 1) share information about the status of a proposed day resource center and 2) provide information on the current performance measures and benchmarking criteria used to quantify the impact of homelessness programs.
8. The HRC respectfully asks that the City Manager support their request for Charles Goodwin or an appropriate designee to provide information to the HRC on the status of cooling and climate controlled centers in the City, and that the City Manager provide an update on Councilor Thu Nguyen's Order from February 1, 2022. This Order requested that the "City Manager provide City Council with a report concerning the feasibility of implementing additional warming centers and cooling centers throughout the City."
9. The HRC respectfully requests that the City explore additional non-congregate shelter options and expand capacity for housing the homeless.



To: Victor Perez, Esq., Acting Staff Liaison
From: Janice E. Thompson, Assistant City Solicitor
Date: January 17, 2024
Re: Human Rights Commission - Open Meeting Law

You requested guidance related to the Open Meeting Law (OML) pertaining to communications among Human Rights Commission members outside of public meetings, including related to proposed “work groups” as well as issues relating to email or text communications among members.

During the December 4, 2023 meeting of the Human Rights Commission, the Commission proposed that members form “work groups” of three or less members, tasked with meeting privately to research, deliberate, and discuss designated topics for the purpose of presenting to the full body. It was anticipated that following the privately held meetings, members of work groups would report to the full Commission and recommend items for votes and further action. The Chair expressed her intent to structure the groups carefully to avoid an OML violation.

At the December meeting the Commission was specifically asked to consider, “...setting up work groups, so if we set three or four priorities as an organization we can then set up workgroups that are...3 or less people so it is not a quorum...if we have small work groups they can meet without violating the open records [*sic*] law, do research in between meetings, present at each meeting, so that we can actively advance our work and make policy recommendations to the City Manager.” Members then proceeded to engage in a vote to rank their “top priorities” from a given list to determine which topics would be designated for work groups to undertake. Following the vote, the Chair stated, “...we will form work groups in Fair Policing, Housing and Homelessness, and the Executive Office of Diversity, Equity and Inclusion.” Members were instructed to contact the staff liaison or the Chair privately to indicate the work groups they were most interested in serving on. The Chair and co-Chair would then take these preferences into account in assigning members to the work groups. It is my understanding that these work groups have been assigned but the members have not communicated or engaged in meetings.

It is my further understanding that members of HRC have expressed their intention to comply with all aspects of the OML.

The OML is only applicable to public bodies. See G.L. c. 30A, §§ 18-25. A “public body” is defined, in relevant part, as “a multiple-member board, commission, committee or subcommittee . . . however created, elected, appointed or otherwise constituted, established to serve a public purpose.” G.L. c. 30A, § 18. A subcommittee is a “multiple-member body created to advise or make recommendations to a public body.” G.L. c. 30A, § 18.

It is necessary to analyze HRC's actions and whether it intended to create a "multiple-member body." The Commission may not have understood that the plan proposed on December 4, 2023 involved creation of subcommittees, and it is my understanding that the Commission did not actually intend to create subcommittees. However, when the Commission moved forward with plans for "setting up work groups" to carry out tasks, voted on subject matter areas for each group's jurisdiction and specialization, and finally when members were designated by the Chair and co-Chair (outside of open meeting) to serve on specific work groups, these actions resulted in the creation of subcommittees. See OML 2023-177; OML 2023-165; OML 2023-32; OML 2021-78; OML 2019-93; OML 2018-23. (See also OML 2017-111: A public body appointing two members to carry out a task would create a subcommittee.) Based on analysis of the facts in light of the OML, and a review of multiple determinations of the Attorney General's Office Division of Open Government, it is apparent that the HRC created subcommittees subject to the Open Meeting Law. At this point the HRC has not violated the OML, as there has been no communication between members of the subcommittees outside of open meeting, and no meetings of these subcommittees have occurred.

In this instance under the proposed plan for "work groups" the HRC sought to designate members to work in small groups on three specified topics, as voted by the Commission. The Revised Ordinances of the City of Worcester provide that the Commission may create subcommittees for certain purposes (See Article 15, §10(d)(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;") Any such subcommittee, including the subcommittees created pursuant to the "work groups" plan set forth during the December 4, 2023 meeting, would be subject to the requirements of the Open Meeting Law, including posting and notice requirements, requirements that all meetings (and therefore all deliberation) shall be open to the public unless subject to an executive session exemption, and requirements to maintain and post minutes.

In summary, the "work groups" discussed by HRC would constitute subcommittees, and such subcommittees would be public bodies subject to the requirements of Open Meeting Law. The contemplation of work groups as occurred during the December 4, 2023 HRC meeting does not constitute an OML violation; however, creation and implementation of such work groups constitute the creation of subcommittees, and each subcommittee must comply with all requirements of the OML.

Apart from the subcommittee issue, you noted that some questions have arisen related to Open Meeting Law requirements around communication outside of public meetings generally. The following aligns with advice provided by the Attorney General's Division of Open Government:

Any communication between or among a quorum of a public body on any matter within its jurisdiction must be conducted during a noticed meeting. See G.L. c. 30A, §§ 18, 20. A one-way communication from one public body member to a quorum on matters within the body's jurisdiction constitutes deliberation for purposes of the Open Meeting Law, even if no other public

body member responds. Courts have held that the Open Meeting Law applies when members of a public body communicate in a serial manner in order to evade the application of the law. A public body may not engage in serial communication whereby a quorum communicates in a non-contemporaneous manner outside of a meeting on a subject within the public body's jurisdiction. See *Shannon v. Boston City Council*, No. 87-5397 Suffolk Superior Ct. February 28, 1989; *McCrea v. Flaherty*, 71 Mass. App. Ct. 637 (2008) (holding that private serial communications violate the spirit of the Open Meeting Law and may not be used to circumvent the intent of the law).

Discussion by phone, text, or email among members of a governmental body on an issue within the jurisdiction of the body may constitute a violation of the OML. This is true even where individual conversations occur in serial fashion. The long-established prohibition on serial deliberations means that individual conversations, emails, and text messages between members on matters before the Commission may result in OML violations. Outside of public meetings, with respect to matters before the Commission or within the purview of the Commission, members are advised to contact the staff liaison to avoid direct communication with other Commissioners. The Staff Liaison, designated by ordinance to administer the affairs of the HRC, is available to respond to questions of individual members, to compile and distribute materials, and to further coordinate the business of the Commission. Communication from the Staff Liaison will generally be in the form of an individual communication, or to the full body by blind copy to prevent any unintentional OML violation.

To promote compliance and provide additional clarification and guidance, it is recommended that members of the Human Rights Commission participate in an Open Meeting Law training as offered by the Attorney General's Division of Open Government. The Staff Liaison and Law Department can assist in coordinating the training with the Attorney General's Office. Note the definition of meeting under the OML specifically excludes trainings, provided the members do not engage in deliberation. ("meeting" shall not include... (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate G.L. c. 30A, § 18.)



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Nicole Last Name: Apostola

Address: 231 Wildwood Avenue

City: Worcester State: MA Zip Code: 01603

Phone Number: [REDACTED] Ext. _____

Email: [REDACTED]

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

2023 DEC -9 AM 11:16
Worcester City Clerk
Received

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Human Rights Commission

Specific person(s), if any, you allege committed the violation: Ellen Shemitz, Chairperson

Date of alleged violation: 12/4/2023

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The commission, led by the chair, elected to establish subcommittees, which they called "workgroups", that would meet outside regular meetings, and which would not be public meetings.

Chair Shemitz specifically said, "We can set up workgroups that are four or less people, so it's not a quorum. Actually, I guess it needs to be three or less people so it's not a quorum. ... If we have small workgroups, they can meet without violating the Open Records Law, do the research in between meetings, present at each meeting."

I believe that this violation is intentional because the law was mentioned, specifically with the intention of working around the requirement for public meetings, including for subcommittees.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Every member of the public body must take Open Meeting Law training within 90 days of receipt of this complaint. In addition, staff members who advise this public body should also be required to take OML training.

The public body should also contact the Attorney General's Office for guidance on how to conduct proper public meetings, including the reasons for executive session, whenever there is a question.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: *Daniel Capuano*

Date: 6 December 2023

For Use By Public Body Date Received by Public Body For Use By AGO Date Received by AGO



POLICY AND PROCEDURE NO. 806

Limited English Proficiency (LEP)

Date Issued 12/21/2023	Date Effective 12/21/2023	Revision No. Initial	No. of pages 11
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PURPOSE:

Language barriers can sometimes inhibit or even prohibit Limited English Proficient persons, (*LEP hereinafter*), from accessing assistance and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in a variety of interactions between the public and police personnel. Miscommunications with victims, witnesses, suspects, and people in the community because of language differences can jeopardize safety and create evidentiary and investigative challenges. It is the purpose of this policy and procedure statement to provide methods for Worcester police personnel to effectively overcome possible language barriers with members of the public.

POLICY:

It is the policy of the Worcester Police Department to ensure meaningful communication with LEP persons and their authorized representatives involving police services and activities. The Worcester Police Department will take reasonable steps to ensure that LEP persons have meaningful access to services and an equal opportunity to participate in encounters with the Department regardless of their national origin, or limited ability to speak, read, write, or understand English. This policy will be implemented in accordance with the subsequent procedures delineated herein and in associated directives/general orders.

This policy also provides for communication of information contained in vital documents, which are used or issued by Department personnel. All interpretation and translation services needed to comply with this policy shall be provided without cost to the LEP person being served, and such person will be informed of the availability of such assistance free of charge.

Language assistance will be provided through use of competent bilingual staff, and a contract for language bank services with *Language Line Solutions* who will provide interpretation and translation services either in person or via telephone contact.

The Worcester Police Department has designated the Deputy Chief of Support Services as the department's LEP coordinator. This position will serve as a resource for other staff and will communicate directly with the City's Human Resource staff to report any problems or concerns with the implementation of this policy.

All department employees will be provided notice of this policy and procedure, and those that may have direct contact with LEP persons will be trained in the effective use of an interpreter. Such training will include but not be limited to training directives, roll-call training and/or in service training modules.

DEFINITIONS:

Exigent Circumstances:

Circumstances requiring prompt action before language services can reasonably be obtained in order to protect life, prevent serious injury, to protect substantial property interests; to apprehend or identify a fleeing offender; or to prevent the hiding, destruction, or alteration of evidence. Because 911 responses and police encounters are inherently exigent and rapidly evolving in nature, are uncertain, and because responding officers must at all times preserve scene safety for all, these exigent circumstances allow the responding officer latitude in his or her methods of establishing effective and rapid communications with an individual at the outset and throughout the citizen contact.

Interpretation:

The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficiency (*LEP hereinafter*) Person:

An LEP person is someone who does not speak English as their primary language and has limited ability to read, speak, and/or write English at a level that permits them to interact efficiently with English speakers or documents without language assistance.

Translation:

The replacement of written text from one language (source language) into and equivalent written text in another language (target language).

Vital documents:

Paper or electronic material that contains information critical for accessing the Worcester Police Department's services, or is required by law, which may include Miranda Warnings, OUI rights, or other rights advisories.

To determine if a document is "vital", the City of Worcester's Human Resources Office and/or the Law Department will assess whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Whether a document is "vital" may depend upon the importance of the program, information, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

Examples of "vital" written documents could include the following:

- Consent and complaint forms
- Intake forms with the potential for important or legal consequences
- Written notices of eligibility criteria, rights, denial, loss or decrease in benefits or services, and other hearings

- Notices advising LEP persons of free language assistance.
- Applications for a program, activity, or to receive a city government benefit or service.

PROCEDURE:

Identifying LEP Persons:

At the outset of encounters between Worcester Police Department personnel and a person who may be LEP (whether in the field or at police HQ), personnel shall seek to determine whether that individual is LEP using all necessary methods available to them. Patient, deliberate, open-ended questions to the subject may aid in this determination. Failing that, inquiry with the individuals' companions or others that know, or know of the individual, may be of assistance in determining whether the person is LEP. Such inquiry would be appropriate under circumstances in which the subject is unable to respond and provide relevant information because, for example, they are intoxicated, impaired and/or injured. If the officer, official, or staffer determines the person is LEP, personnel shall then endeavor to promptly identify the language and communication needs of the LEP person.

During 911 call response, the dispatcher generally notifies responding personnel that a language barrier exists and can usually identify the primary language.

Identification of the Primary Language:

After the initial determination is made that a person is LEP, the person's primary language needs to be identified. Methods of discerning one's primary language include but are not limited to the following:

- Self-identification of primary language by the LEP person.
- Language identification cards or online images developed by Language Line Solutions. (See exhibit #1).
- Inquiry with bystanders or persons who know or know of the LEP person.
- A call initiated to the Language Line Solutions reception may be able to discern the primary language at the outset of the contact.

Oral Interpretation:

Exigent Circumstances:

Because police responses and encounters with community members in the field are generally emergent in nature, it is necessary that personnel be permitted greater latitude in quickly establishing communications with community members. Bilingual police department interpreters may be used in all cases where their deployment satisfies the rationale for exigent circumstances (see definition above). The services of bystanders, family members, or others who are present and can rapidly assist in establishing

communications with an LEP individual while the exigent conditions continue to exist, may be utilized during the period as well. (*See restriction and limitation guidelines below.*)

Stable Scene Conditions, Non-Exigent Circumstances:

Bilingual police department personnel may also provide interpretations services under stable scene conditions/non-exigent circumstances where they are on-scene or may be called to the scene without unreasonable delay (in view of the acuteness of the situation/scene). Every effort should be made to assure the subject as to the reasoning for the delay in the arrival of the bilingual officer so as not to delay emergency services or to place the person in fear that he or she is in custody.

The services of bystanders, family members, or others who are present and can assist in establishing communications with an LEP individual is acceptable provided that LEP person does not object to the use of this assisting individual. Quite often, persons who are LEP will present themselves to police accompanied by a trusted interpreter. The use of these interpreters is to be allowed subject to the restrictions and limitation guidelines below.

Restricted Language Assistance Practices Absent Exigent Circumstance:

Language assistance obtained through minors, family members, neighbors, friends, volunteers, or bystanders can be unreliable, particularly in: (1) communications involving witnesses, victims, and potential suspects; (2) investigations, collection of evidence, and negotiations; (3) imparting of rights advisories, and (4) sensitive types of investigations such as suspected domestic violence, child abuse, child abduction, and/or sex assault. Accordingly, once the exigency has passed, personnel should refrain from using the interpreter services of minors, family members, neighbors, friends, volunteers, or bystanders wherever possible.

If exigent circumstances require WPD personnel to use restricted language access practices, as described above, the WPD employee shall seek the assistance of qualified bilingual personnel, an interpreter, or a telephone interpreter to confirm or supplement the initial information acquired using unauthorized language assistance as soon as practicable.

Bilingual police department personnel may provide interpretations services under stable scene conditions/non-exigent circumstances where they are on-scene or may be called to the scene subject to the restrictions below.

Bilingual Personal Interpretation:

Police personnel may be used for interpretations services under emergent and non-emergent conditions provided their level of bilingual ability allows for effective interpretation with the subject and where their interpretation skill facilitates effective communication. In making such a determination, Police department personnel should consider the following non-exhaustive factors:

- The frequency with which they utilize the language or form of communication in question,
- Their ability to think, perceive, and understand the language or form of communication,
- Their command of relevant terms related to law enforcement and varying circumstances, and
- The extent to which their attempts at interpretation could prejudice or harm the subject.

Police personnel (sworn or civilian) who engage in interpretive services must continually evaluate the quality of their discourse with the LEP person to affirm that the individual is fully understanding the interpreted messages.

In more significant matters, where the police interpreter has any level of doubt as to the effectiveness of his or her communications with a subject and where the subject may have to waive certain rights to a knowing and intelligent standard, or where certain rights advisories need to be imparted, it is advisable to err on the side of caution and acquire a professional interpreter for these purposes. In yet other cases, (i.e., M.G.L. Ch. 221 Sec. 92A) the use of interpreters is statutorily mandated. Moreover, as the Language Line services offer third-party, uninterested interpreters, it may be prudent to make use of that service where a conflict of interest may be alleged. While the good will and abilities of bilingual staff are recognized and appreciated, the potential for legal implications may require that the services of professional interpreters be used.

Engaging Language Line Interpreter Services:

Language Line Solutions will be accessed via telephone. Personnel are directed to call the Language Line Solutions at the following number and using the Client ID below:

1-866-874-3972

Client ID: *(see intra-department memo)*

Upon receipt of this call, Language Line Solutions will arrange for an immediate interpreter to speak to the customer on the phone. See Exhibit #3 for call access information.

Alternatively, personnel may elect to put the Language Line App in their phone. This is by far the easiest mode to use this service and it allows for video interpreting where you, the interpreter, and the person you are speaking with can see one another. The visual aspect used via the app is a necessity when engaging with individuals who are deaf or hard of hearing and can use American Sign Language.

Access to this app is as follows:

Download the Language Line App
Enter authentication code: (see *intra-department memo*)
Enter a device name.

(See instruction sheet Exhibit #4)

In Person Interpretation:

For those times when telephonic interpretation is not adequate to meet the LEP person's needs, the staff person will contact Language Line Solutions and make an appointment for an on-site interpreter within 48 hours.

Documenting the LEP Event:

In instances where personnel utilize the services of an interpreter, entry is to be made in the call record or in the incident report indicating this occurrence and the name and ID number, if applicable, of the interpreter.

Providing Written Translations:

The City will make every effort to provide written translation of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. See Exhibit #2 for primary languages spoken in Worcester.

If there are fewer than 50 persons in a language group that reaches the five percent threshold, the City does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Original documents being submitted for translation will be in final, approved form with updated and accurate legal information.

To determine if a document is “vital”, the WPD’s LEP Coordinator can confer with the city’s DEI Office and/or Law Department to assess whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Whether a document is “vital” may depend upon the importance of the program, information, or service involved, and the consequence to the LEP individual if the information in question is not provided accurately or in a timely manner.

Examples of “vital” written documents could include the following:

- Consent and complaint forms
- Intake forms with the potential for important consequences
- Written notices of eligibility criteria, rights, denial, loss or decrease in benefits or services, and other hearings

- Notices advising LEP persons of free language assistance.
- Applications for a program, activity, or to receive a city government benefit or service.

Language Identifier Postings/Images:

Personnel will be provided with a language identification notices or posters to determine the language services provided. The posters will serve to alert LEP individuals that interpretation is available in their language and provide staff with the number to call for service. In addition, when records are kept of past interactions with subjects, the language used to communicate with the LEP person will be included as part of the record.

Deaf and Hearing-Impaired Persons:

While the handling and service to persons who are deaf or hearing-impaired are addressed in separate policy and procedure, personnel should be aware of the restrictions delineated in M.G.L. Chapter 221 §92A¹.

PER:



Paul B. Saucier
Chief of Police

¹ MGL Chapter 221 Section 92A: *(in pertinent part)*

Interpreters for the deaf or hearing-impaired; arrests; admissibility of evidence

Whenever a deaf or hearing-impaired person is arrested for an alleged violation of a criminal law, including a local ordinance, the arresting officer shall procure and arrange payment for a qualified interpreter to assist such person regarding any interrogation, warning, notification of rights, or taking of a statement. No answer, statement, or admission, written or oral, made by a deaf or hearing-impaired person in response to any question by a law enforcement officer or any prosecutor, in his official capacity, in any criminal proceeding may be used against such deaf or hearing-impaired person unless such statement was made or elicited through a qualified interpreter and was made knowingly, voluntarily and intelligently or, in the case of waiver of interpreter, unless the court makes a special finding that any statement made by such deaf or hearing-impaired person was made knowingly, voluntarily and intelligently. In any criminal proceeding wherein, counsel has been appointed to represent an indigent defendant, the court shall also appoint a qualified interpreter for such defendant, whenever such defendant is deaf or hearing-impaired to assist in communication with counsel in all phases of the preparation and presentation of the case.

Exhibit #1:

LanguageLine Solutions® Interpretation Services Available

<p>English English Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.</p>	<p>Nepali नेपाली आफ्नो भाषातर्फ आँल्याउनुहोस्। एक दोभाषेलाई बोलाइनेछ। तपाईंको कुनै खर्च बिना, एकजना दोभाषे उपलब्ध गराइनेछ।</p>
<p>Albanian Shqip Tregoni me gisht gjuhën tuaj. Do të thërrasim një përkthyes. Përkthyesi ofrohet falas për ju.</p>	<p>Polish Polski Proszę wskazać swój język i wezwiemy tłumacza. Usługa ta zapewniana jest bezpłatnie.</p>
<p>American Sign Language  Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.</p>	<p>Portuguese Português Indique o seu idioma. Um intérprete será chamado. A interpretação é fornecida sem qualquer custo para você.</p>
<p>Arabic العربية اشر الى لغتك. وسيتم الاتصال بمترجم. نقدم خدمة المترجم مجاناً لك.</p>	<p>Russian Русский Укажите язык, на котором вы говорите. Вам вызовут переводчика. Услуги переводчика предоставляются бесплатно.</p>
<p>Burmese မြန်မာစာ သင့်ဘာသာစကားကို ဝိုင်းညွှန်ပြီး စကားပြောပေးပါမည်။ သင့်အတွက် စကားပြောဆရာပေးပါမည်။</p>	<p>Sango (Ubangi Creole) Sango Sörö yanga ti kodro ti mo. Fadé a yeke iri mbéni wagbiango yanga ti kodro na mo. Fadé a yeke hounda mo ti fouta nginza ndali ti gbiango yanga ti kodro ti mo apé.</p>
<p>Cantonese 廣東話 請指認您的語言，以便為您提供免費的口譯服務。</p>	<p>Somali Af-Soomaali Farta ku fiqluqadaada... Waxa laguugu yeeri doonaa turjubaan. Turjubaanka wax lacagi kaaga bixi mayso.</p>
<p>Farsi فارسی زبان مورد نظر خود را مشخص کنید. یک مترجم برای شما درخواست خواهد شد. مترجم بصورت رایگان در اختیار شما قرار می گیرد.</p>	<p>Spanish Español Señale su idioma y llamaremos a un intérprete. El servicio es gratuito.</p>
<p>French Français Indiquez votre langue et nous appellerons un interprète. Le service est gratuit.</p>	<p>Swahili Kiswahili Onyeshia lugha yako. Mkalimani ataitwa. Utapewa mkalimani bila gharama yoyote.</p>
<p>Ga Ga Tsoomɔ owiemɔ le mli. Aabaatɛ mo ni tsoɔ wiemɔ le shishi le. Wohaɔ mo ni tsoɔ wiemɔ shishi ni wöheɛ bo shika.</p>	<p>Tagalog Tagalog Ituro po ang inyong wika. Isang tagasalin ang ipagkakaloob nang libre sa inyo.</p>
<p>Haitian Creole Kreyòl Lonje dwèt ou sou lang ou pale a epi n ap rele yon entèprèt pou ou. Nou ba ou sèvis entèprèt la gratis.</p>	<p>Twì Twi Kasa Fa wo nsa kyere wo kasa a woka. Yebefre obi ama wabekyere asee ama wo. Saa mmoa yi yerennye wo hwee.</p>
<p>Khmer ខ្មែរ សូមចង្អុលភាសាអ្នក។ យើងនឹងហៅអ្នកបកប្រែភាសាមកជូន។ អ្នកបកប្រែភាសានឹងជួយអ្នកដោយមិនគិតថ្លៃ។</p>	<p>Urdu اردو اپنی زبان پر اشارہ کریں۔ ایک ترجمان کو بلاجائے گا۔ ترجمان کا انتظام آپ پر بغیر کسی خرچ کے کیا جائے گا۔</p>
<p>Mandarin 普通话 請指認您的語言，以便為您提供免費的口譯服務。</p>	<p>Vietnamese Tiếng Việt Hãy chỉ vào ngôn ngữ của quý vị. Một thông dịch viên sẽ được gọi đến, quý vị sẽ không phải trả tiền cho thông dịch viên.</p>

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Language Solutions: On demand audio and video interpreting, on site interpreting / Bilingual and Interpreter Staff Testing and Training / Translation and Localization

Exhibit #2:

Examination of the languages spoken in Worcester as determined by the City of Worcester's Executive Office of Human Resources have determined that the languages spoken in Worcester entail the following percentages of frequency. All other languages do not reach the 5% requiring written translations.

CurrentYear_StudentSummary_NativeLanguage	23992	
Native Language	Students	% of Students in District Schools
English	9788	40.8%
Spanish	7995	33.3%
Portuguese	1322	5.5%
Twi	991	4.1%
Vietnamese	813	3.4%
Arabic	547	2.3%
Albanian	419	1.7%
Swahili	259	1.1%
Miscellaneous languages	215	0.9%
Nepali	179	0.7%
French	133	0.6%
Haitian French Creole	120	0.5%
Somali	98	0.4%
Khmer	75	0.3%
Creoles & Pidgins (French)	74	0.3%
Ga	66	0.3%
Urdu	59	0.2%
Chinese	59	0.2%
Polish	39	0.2%
Greek	33	0.1%
Russian	33	0.1%
Sango (Ubangi Creole)	31	0.1%
French Patois	30	0.1%
Kinyarwanda	28	0.1%
Persian	27	0.1%
Yoruba	23	0.1%
Tagalog	23	0.1%
Pushto	22	0.1%

Exhibit #3:

Language Line Solutions phone access and access code:

LanguageLine Solutions®

Quick Reference Guide

City of Worcester

TO ACCESS AN INTERPRETER

1. DIAL:
2. PROVIDE: **Client ID**
3. INDICATE: **Language**

Document the interpreter name and ID number for reference.
Brief the interpreter and give any special instructions.

IMPORTANT INFORMATION:

WORKING WITH AN INTERPRETER – At the beginning of the call, briefly tell the interpreter the nature of the call. Speak directly to the limited English proficient individual, not to the interpreter, and pause at the end of a complete thought. Please note, to ensure accuracy, your interpreter may sometimes ask for clarification or repetition.

3-WAY CALL – Use the conference feature on your phone, and follow the instructions above to connect to an interpreter. If you are initiating the call, get the interpreter on the line first, then call the limited English proficient individual. If you are receiving a call, ask the caller to "Please Hold," and then conference in the interpreter.

LANGUAGELINE DUAL HANDSET PHONE – If you have a LanguageLine Dual handset phone, lift the handset and press the pre-programmed button to dial, then follow the prompts. Once connected to an interpreter, give the second handset to the limited English proficient individual.

CUSTOMER SERVICE – To provide feedback, commend an interpreter, or report any service concerns, call 1-800-752-6096 or go to www.LanguageLine.com and click on the "Customer Service" tab, scroll to "Provide Feedback" and complete a "Voice of the Customer" form.

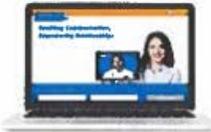
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Enabling Communication in Any Situation.™ www.LanguageLine.com   

Organization Name: **City of Worcester**

Activating the LanguageLine App on Your Device

Easily access audio and video interpreting empowering you to provide outstanding service when communicating with the Limited English Proficient and Deaf or Hard-of-Hearing. The LanguageLine app is available for iPads, Smartphones, tablets, and laptops to quickly connect to professional interpreters anytime, anywhere 24/7/365. Follow these instructions to complete a one-time activation of your device.

Laptop/PC with Google Chrome Browser	iPhone or iPad	Android Device
 <ol style="list-style-type: none"> Using Chrome, enter this url: https://InSight.LanguageLine.com Insert your Authentication Code Type a Device Name Click on "Activate Device" Click on "ALLOW" for access to your camera and microphone. 	 <ol style="list-style-type: none"> On your iPhone or iPad tap the App Store icon and search for "LanguageLine InSight". Tap "Get" and "Install". After download is complete, tap the "Interpreters" icon and follow the screen prompts to complete the one-time authentication of your device. After you tap "Activate Device", tap "OK" two times to allow the application to access your microphone and camera. 	 <ol style="list-style-type: none"> On your Android device tap the Google Play store icon and search for "LanguageLine". Tap the "Interpreters" icon. Then tap "Install". After download is complete, tap "Open". Tap "OK", then tap "Allow" twice to allow the application to access your microphone and camera. Follow the screen prompts to complete the one-time authentication of your device.

YOUR AUTHENTICATION CODE AND DEVICE NAME

Authentication Code (not case sensitive):

Device Name (15 digit maximum):

TIPS FOR A SUCCESSFUL INTERPRETATION SESSION

1. Introduce yourself and brief the interpreter.
2. Speak slowly in short sentences.
3. Allow the interpreter time to interpret.
4. Check for understanding.

QUESTIONS OR NEED ASSISTANCE?

Contact your LanguageLine Account Executive or CustomerCare@LanguageLine.com / 1-800-752-6096
For 24/7 Technical Support call 1-844-373-1951