

MEETING MINUTES

Monday, March 25, 2024, 6:00pm

Attendance : Chair Ellen Shemitz, Vice-Chair Elizabeth O’Callahan, Robert Bilotta, Guillermo Creamer Jr., Randy Feldman, Dr. Bernard Reese, Jacqueline Yang

Absent: Charles Hopkins, Jamaine Ortiz

Staff : Victor Perez

Guest: Commissioner of Emergency Communications and Management Charles Goodwin

Call to order: 6:00 p.m.

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.

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.

Approval of the February 26, 2024 minutes.

Commissioner Reese moved to approve. Commissioner Creamer seconded. All approved by roll call. The Chairperson noted the minutes indicated the Director of POST agreed to send all Worcester Police complaints (2023 – 54# and for 2022 – unknown #) to the Commission. Mr. Perez, Staff Liaison, had not received the documentation. The Chair moved to request in writing the receipt of this information from the Executive Director of POST within fourteen days business days. Commissioner O'Callahan seconded. All approved by roll call.

Conversation on Emergency Management with Commissioner of Emergency Communications and Management Charles Goodwin:

Commissioner Goodwin was welcomed. The Chairperson proceeded to put his visit to the Human Rights Commission in context. The Commission is seeking to understand the services and supports available to unhoused persons. Dr. Castiel, Commissioner of Health and Human Services and the Manager and Strategist of the temporary homeless shelter have presented to this Commission based on a list of questions. They felt some of these questions were better answered by Commissioner Goodwin, including operation of both warming and cooling centers in the City, available shelters, regional plan, and benchmarks for achievements.

Commissioner Goodwin began by explaining what the Department of Emergency Communication and Management does. There are three Divisions in the Department. There is a Regional 911 center in Worcester and the Town of Leister, 311 Program, and Emergency Management. Emergency Management is unique that that are a lot of different elements involved. The primary purpose is to do emergency planning for the city and doing recovery and responses after disasters. The specialty is pulling the information together and sharing it with other departments.

When it comes to the unhoused, they try to bring best practices and share with other departments that have direct responsibility. Some practices may or may not work in Worcester.

The Department provides short term shelter after disasters along with partners like Red Cross for the immediate response. The plan does cover long term needs which is developing resource and turning the situation over to appropriate resources.

Regarding heating and cooling centers, in the past year, the City Council has received an updated plan. When he arrived at the city, there was one plan for both. The need is different and so the responses need to be different. There now are two separate plans using best practices from the State and around the country. A warming/cooling center (Updated name - Climate Center) is different from a shelter. A warming center is opened when a wind chill advisory is declared. Except for certain circumstances there are no overnights. There are snacks. Meals are served if extended to overnight. A cooling center is activated at 95°F. State pools, splash pads and places with good access to air conditioning are available. The Library and Senior Center are primary locations. They look to add other locations. These centers are for anyone. They are posted on the Website and social media.

Chairperson Shemitz: How do people outside and not close to technology learn about the opening of these centers?

Response: We work with other Departments, including HHS, and non-profits to get the word out. People were also driving around the city to invite people into the warming center on this recent cold snap. They try to keep centers on or close to bus stops.

Commissioner Feldman: Who actually does this work?

Response: The City's Health and Human Service Department and their contacts went to encampments and other known locations. Socks and jackets were collected for those who choose not to come in. EM worked with partners to get the word out.

Chairperson Shemitz: Do you collect data on this effort? Do you go back out to see if the need was met to determine best practices?

Response: In emergency situations personal information is not collected. People don't feel comfortable giving names, etc. When an overnight center happened # of people, volunteers and meals are collected. People will sometimes self-identify if out of town to see if they can stay. It is important to know no one is turned away if there is room no matter who they are.

Chairperson Shemitz: Has anyone been turned away?

Response: No one has been turned away in the past three years since he started. When he says if there is room, he is thinking about a place like the Technical High School where there is a specific capacity then they would work to find another location. They work with Red Cross as regional plans.

Commissioner Feldman: What happened the first week of the Mill Street Roof Disaster?

Response: We worked with United Way which was able to provide free hotel space by DCU. This happened on a Friday. On Monday we worked with Red Cross and others to find shelter, meals, clothing, and other services, including mental health services. Staff checked in with affected people every few hours to keep them up to date.

Commissioner Feldman: HHS communicated something that appeared to be contradictory. In one case we never turn anyone away but we are at capacity for emergency housing. Can you speak to this?

Response: When the Warming shelters are opened, we certainly do our best to have all persons who need shelter to come in. We cannot guarantee all who need shelter are housed. Some people do not feel comfortable coming in. At least they know about resources provided.

Commissioner Creamer: How many people use the cooling and warming centers throughout the year?

Response: For the cooling centers individuals and small groups and the warming center five to ten families depending on conditions.

Commissioner Creamer: Does the City use reverse 911?

Response: Yes, we use reverse 011, social media, staff, volunteers, and anything that will get the word out. We work with the National Weather Service and a meteorologist to determine weather so everyone can be prepared in advance.

Commissioner Bilotta: Do you know who these families are.?

Response: Not necessarily. He helped in the warming center last spring and there were families from beyond Worcester and at least two families with heating system problems. There were children in both cases.

Commissioner Creamer: We have a lot of children in the Worcester Schools that are low income. Many live in triple deckers which do not have central heat or air. Should we be doing something with the school system to let people know about these centers?

Response: We work with the School Superintendent and Security Director. I will take the back to the office to see how we can work with these families as well.

Commissioner O'Callahan: New England weather can be extreme either cold or hot. Sharing some information for Commissioners research says that there will be three-day heat waves this year double in 30 years and then double again. There were 108 cold days this year and 58 days above 80 degrees, 16 days above 90 degrees which will be 37 days in 20 years. People experiencing homelessness are much more vulnerable and are at greater risk than the general population. What is in place to determine an absolute temperature?

Response: We have been working with students from the College of the Holy Cross and the data presented to look at the heat in the city, tree coverage and where the need is determined if Worcester has

enough cooling centers. The information used is between the State, FEMA and the CDC developed best practices. If these best practices change Worcester will update its plan. Sometimes based on local knowledge and experience there would be a case not to follow these more established practices.

Various members of the public disrupted the meeting online.

Commissioner Yang: Is there transportation to these centers?

Response: Generally, we try to offer centers in the neighborhoods with bus routes. Depending on the situation transportation can be arranged.

Commissioner Reese: Where are cooling and heating centers located? How many are there?

Response: 8+ cooling and 6+ heating locations.

Chairperson Shemitz: She offered the opportunity for any final thoughts.

Commissioner Goodwin: The City Manager will be announcing new programs. He would be happy to come back to discuss.

The Chairperson suggested motions related to the work of Emergency Management. She moved that the City Manager direct the Commissioner of Emergency Communications and Management to create a questionnaire to gather information on who is using services and how they learned of the availability of services. Seconded by Commissioner Feldman. All approved by roll call vote.

The Chairperson moved that the HRC respectfully asks that City Manager direct the Commissioner of Emergency Communications and Management to conduct outreach assess if all affected persons were aware of the availability of emergency services, to assess barriers to the utilization of such services and to assess the adequacy of the services provided. Seconded by Commissioner Creamer. All approved by roll call vote.

The Chairperson moved that the HRC respectfully asks that City Manager direct the Commissioner of Emergency Communications and Management and Department of Transitional Assistance to conduct outreach to all public schools and ensure information on the availability and ways to access emergency heating and cooling centers. Seconded by Commissioner Creamer. All approved by roll call vote.

The HRC thanked Commissioner Goodwin.

Commissioner Feldman: How did people misuse/hijack our meeting a while ago and what can be done about it?

Commissioner Creamer: We don't have power to keep microphones off until we turn them on with Zoom or Webex.

Mr. Perez: Several people signed on to the meeting. These people at the same time turned off their mute button and began spurring their inappropriate words. We can mute participants and have them not share screen but they can access chat. Participants can be kicked off for being disruptive.

Chairperson: Can there be a setting to mute all microphones? She requested staff to look into the possibility of using a TEAMS webinar mode, so this does not happen again.

Commissioner Creamer appreciated the Chairperson on how she handled the situation; the importance of naming the situation; acknowledged the targeting of particular people and how difficult it is; and thanks the Commissioners for the ongoing work that is being done.

The Staff Liaison will look into changing the settings/curbing future incidents.

Updates on EODEI hiring:

Mr. Perez: The application process has closed on the Chief Equity Officer, Investigation Specialist, and the Director of Human Rights & Accessibility positions. The position of Administrative Assistant is still open. The Equity Officer's position is in the middle of the interview process. The application review process is taking place on the other two positions.

The Chairperson highlighted the length of time that the DEI positions were open. They need to be filled.

Commissioner Bilotta spoke to the fact that with these positions not filled affects the quality of life of people with disabilities.

The Chairperson addressed the memo from the City Manager. In a July meeting with the Manager, he was willing to respond in writing to the Commission's requests. To date the Commission has received limited response in writing. There was discussion as to why written responses would help.

The Chairperson moved that the HRC respectfully asks that City Manager provide a written response to all HRC motions that request (a) action or information and/or (b) changes to City policy and/or practice, as voted upon at its monthly meetings. Commissioner Feldman seconded. All approved by roll call vote.

The chairperson brought to the Commissioners attention in July the City Manager said that he would meet quarterly with the Commission's leadership. Due to a concern of violating the Open Meeting Law these meetings have not occurred. This concern has now been resolved.

The Chairperson moved that the HRC respectfully asks that City Manager resume quarterly meetings with the leadership of the HRC and that he reschedule the January 2024 meeting, which was cancelled due to (now resolved) concerns around Open Meeting Law Compliance at his earliest convenience. Commissioner Creamer seconded. All approved by roll call vote.

Mr. Perez assured the HRC that he will provide a monthly memo to the City Manager with the motions made each month. While there may not be a response in writing, when he receives a response verbally, he will pass it to the Commission.

Review of WPD Policies:

A. Discussion of Worcester Police Policies

- i. Language Access- See [2730767 \(powerdms.com\)](https://powerdms.com); See also page 6 at [20240319ccm \(3\) - Laserfiche WebLink \(worcesterma.gov\)](https://www.worcesterma.gov/20240319ccm(3)-Laserfiche-WebLink)

This is being reviewed because in the Police Racial Equity Audit, it was noted that there were issues between the police and people of limited language proficiency. Over a third respondents reported strongly reported that improvements needed to be made.

Commissioner Jaqueline Yang reviewed and reported on the Draft Language Access Policy.

A Limited English Person (LEP) is a person who has limited English and does not speak English as the primary language. They have limited ability to read, speak or write to interact sufficiently with speakers or documents without assistance. Her subsequent thorough review and recommendations resulted in the following actions.

Executive Director Perez agreed to follow up to see the Language Line Posters are posted in all appropriate areas of the Police Building.

The Chairperson moved that the HRC respectfully asks that City Manager recommend that the WPD make changes to its Limited English Proficiency Policy to incorporate research-based best practices and to address the following concerns:

- That the current draft, which is based in part on the model policy from the Denver Police Department (“the Denver policy”), omits and should be edited to incorporate the following language from its statement of purpose: “Under Title VI of the Civil Rights Act of 1964, LEP persons have the right to language assistance that results in accurate, timely, and effective communication with law enforcement at no cost.”
- That the current draft uses the term “competent bilingual staff,” but fails to provide a definition or objective measurement of bilingual competency and that the draft should be revised to incorporate the language and requirements of the Denver policy, which under “definitions” specifies as follows:
 - For interpretation: “Interpretation is performed by individuals who have been assessed using a highly rigorous, standardized, and professionally validated instrument and who have also been trained in specialized terminology, the ethical canons of interpretation, and other standard requirements. An interpreter can be from an outside agency, company, or service or DPD personnel authorized to perform interpretation in a designated language due to specialized education, training, and assessments. Qualified bilingual personnel cannot serve as interpreters

unless they are independently assessed for interpretation skill and approved to do so. Qualified bilingual personnel are typically only approved to communicate directly “in language” with LEP persons. Bystanders and similar ad hoc sources of language assistance, as further set forth in Part V.G, have usually not been formally assessed or qualified as a departmental resource and, along with qualified bilingual personnel, shall only be used to interpret during exigent circumstances.”

- For qualified bilingual personnel: “DPD personnel who demonstrate competency to communicate orally and/or in writing in English and at least one other language as set forth in Section 120.04 of the DPD Operations Manual. Qualified bilingual personnel are authorized to conduct law enforcement communications monolingually in their non-English language but are usually not authorized to serve as interpreters or translators. Qualified bilingual personnel shall have their oral proficiency, and/or translation skills, in their non-English language(s) initially assessed and reassessed every five years. DPD will provide qualified bilingual personnel with training on appropriate roles and ethics consistent with their approved responsibilities.”
- That the current draft designates that the Deputy Chief of Support Services shall serve as the LEP coordinator but fails to require that contact information for the LEP coordinator be provided to all LEP individuals and on the WPD website and/or that any changes to the LEP coordinator contact information be provided to the public within a specified period of said change.
- That the current draft requires that only Department employees with “direct contact with LEP persons” be trained in the effective use of an interpreter and that it should be revised to require that all staff and new recruits be trained in LEP and use of interpreter policies and that such training be specifically expanded to include anti-bias training.
- That the current draft has a section on exigent circumstances which fails to incorporate adequate protections and should be revised to include the following language from the Denver Model Policy: “Once the exigency has passed, DPD personnel are expected to adhere to the procedures set forth in this Policy and Plan. Any information obtained through a temporary interpreter must be confirmed as accurate after the exigency ends.”
- That the current draft has a section on vital documents, which should be revised and expanded to:
 - require that the dispatcher inquire if any individual requires LEP services, and
 - specify that the Department shall always err on the side of providing language assistance services.
- That the current draft has a section on identifying LEP persons which should be revised and expanded to include traffic forms and citations.
- That the current draft has a section on “non-exigent circumstances,” which allows for the use of “bystanders, family members, or others who are present” to assist in communications and that this use of nonqualified translators in non-exigent

circumstances is in conflict with the protections afforded in the following section on “restricted language assistance practices absent exigent circumstances” and that therefore the entirety of the second paragraph under “stable scene conditions, non-exigent circumstances” should be stricken in its entirety.

- That the current draft does not reference or require outreach to LEP communities as recommended in the Race Equity Audit and should be amended to reflect the same.
- That the current draft does not reference or require collection or tracking of data on use of LEP services and should be amended to require detailed collection on need for LEP services and use of LEP services in all instances (including all uses of language line with specification of the language utilized) with such data to be made publicly available on a regular basis.
- That the current draft does not reference or require the creation of an LEP committee, to include members of the WPD and community stakeholders, as recommended in the Race Equity Audit and should be amended to reflect the same.

Commissioner Creamer seconded. All approved by roll call.

The Chairperson moved that the HRC respectfully asks that City Manager facilitate direct communications between the HRC and the Worcester Police Department to improve collaborative review and revision of WPD policies. Commissioner Feldman seconded. All approved by roll call.

Commissioner Randy Feldman on Juvenile Arrest Procedures – See attached; See [1515722 \(powerdms.com\)](#); see also page 12-13 at [20240319ccm \(3\) - Laserfiche WebLink \(worcesterma.gov\)](#)

The Racial Equity Audit identifies a pressing need for updating the Juvenile Arrest Policy particularly on arrests, recruitment, and social media. It appears that the updated policy does not address any of these recommendations.

Commissioner Feldman presented his review of both the old and draft update of the Juvenile Arrest Procedures. He recommends specifics as to when handcuffs are used rather than a general statement. As this review proceeded, the need for staff to provide assistance with the Commission’s task became apparent prompting Commissioner Bilotta to state that the long delay in fulfilling key staffing positions, particularly the Director of Human Rights and Accessibility, is undermining the ability of the HRC to fulfill its mission and respectfully move that the City immediately fill all open positions in the EODEI. Commissioner Feldman seconded. All approved by roll call.

The Commission continued review the juveniles arrest policy resulting in the request that Staff Liaison locate a best practice policy for Juvenile Arrest Policy for the next meeting.

The Chairperson moved The HRC respectfully asks that City Manager

- recommend that the WPD make changes to its draft Juvenile Arrest Policy to incorporate research-based best practices and to address the following concerns:
 - That the current draft does not reference or give preference to juvenile diversion programs as recommended in the Race Equity Audit.

- That the current draft does not reference or set procedures to ensure the protection of juvenile privacy as recommended in the Race Equity Audit.
- That the current draft does not require the collection and public posting of disaggregated data on juvenile arrests, to include place of residence, age, race, gender, and ethnicity as recommended in the Race Equity Audit.
- That the current draft does not require the use of the least restrictive means of restraint.
- That the current draft does not provide for age-based limitations on the use of force.

Commoner Feldman Seconded. All approved by roll call.

The Chairperson noted there may be additional recommendations once a model policy or policies are reviewed.

Commissioner Liz O'Callahan presented on Use of Force.

She reviewed policies from the town of Needham, a national group consisting of eleven agencies and updating DOJ policies on use of force. After Commissioner O'Callahan presented her review, the Chairperson moved to ask that the City Manager recommend that the WPD make changes to its draft Use of Force Policy to incorporate research-based best practices and to address the following concerns:

- That the current draft does not provide for a focus on preserving human life and dignity in every aspect of the policy, including a statement at the beginning of the policy. The HRC requests that the policy be amended to included language similar to that stated in the policy section of the IACP National Consensus on Use of Force: that it is the policy of this law enforcement agency to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.
- That the current draft does not reflect or address the concerns stated in the Race Equity Audit around the use of force with LEP individuals, specifically that WPD officers used force on individuals who struggled to comprehend commands due to language barriers, and that the policy be amended to incorporate protections around use for force for individuals with LEP and individuals with cognitive deficits and/or language processing delays.
- That the current draft would benefit from an overall revision that looks to and incorporates the best practice language provided in at least three model policies:
 - The IACP National Consensus Policy and Discussion Paper on Use of Force
 - The Department of Justice Updated Use of Force Policy
 - The Town of Needham, MA Use of Force Policy

- That the current draft does not sufficiently emphasize the importance of de-escalation and that it should be revised to incorporate language from the above model policies, including:
 - the full section on de-escalation on pages 3-4 of the Needham use of Force Policy,
 - the sections on de-escalation, use of less-lethal force and use of deadly force on pages 3-4 National Consensus Policy, including language around discontinuation of use of force, focus on minimal amount of force and use of such minimal force only when there is no other way to prevent harm, the consideration of medical conditions that might make use of force particularly dangerous, and the provision of appropriate medical care.
- That the current draft does not make specific reference to the need to take into consideration language barriers and/or processing delays- whether due to limitations of the individual or environmental factors, such as the fact that the person may be experiencing a traumatic event or may have an altered mental status (due to injury, substance, etc.).
- That the current draft does not address the concerns of the Racial Equity Audit around inadequate data collection and that the policy should be revised to require the collection of (and public access to) disaggregated data on the use of force including data on officer and subject race, gender, age, and ethnicity.
- That the current draft does not include and should be revised to incorporate an operational definition for “Totality of Circumstances,” even though that term is mentioned multiple times and that the definition should specifically mention the need to take into account medical conditions, disability, status as a minor, environmental safety, and psychological trauma.
- That the current draft should be revised to incorporate the explicit statement from the DOJ Policy that “deadly force may not be used solely to prevent the escape of a fleeing suspect.”
- That the current draft does not provide sufficient clarity around officer training on use of force and that policy should be revised to adopt language similar to the National Consensus Documents of Use of Force Policy, which recommends annual training on page 4 of that document.
- That the current draft section on debriefing after a critical incident does not include and should be revised to recommend consultation with a mental health professional after the incident.

Commissioner O’Callahan seconded the motion. All approved by roll call.

Commissioner Bernard Reese on Civil Service Exam Pass Rates

- ii. [Civil service promotional bias suit, initiated by Worcester officer, settles for \\$40 million \(telegram.com\)](#)
- iii. [Worcester Council OKs Civil Service Exit For Chiefs After Union Outcry | Worcester, MA Patch](#)

This item was tabled.

Discussion of Data Requests to the Worcester Police Department:

The Commission agreed to review the questions on submit to staff liaison in 19 business days for approval at the April meeting.

Other business

- A. Vote regarding Board of Health call for safe injection site – See

<https://www.telegram.com/story/news/local/2024/03/05/worcester-safe-injection-site-vote/72849044007/>

Commissioner Creamer reminded Commission this has been discussed before and if passed, Worcester would be the first in the region. He also a vote of support would be helpful. The Chairperson moved that HRC respectfully advise the City Manager that it endorses and supports the call of the Worcester Board of Health for the creation of a safe injection site in the City of Worcester and respectfully asked that the City Manager takes steps to create a new policy in support of the same. Commissioner Creamer seconded. All approved by roll call.

- B. Vote regarding sanctioned area for unhoused individuals to camp safely, free from prejudice and prosecution - See 10dd at [City of Worcester Council Journal for 03/12/2024](https://www.worcesterma.gov/CityofWorcesterCouncilJournalfor03122024) ([worcesterma.gov](https://www.worcesterma.gov))

A motion was made and seconded to support the unhoused population in requesting a specific area for unhoused to camp. The motion failed 2/2/1.

- C. Vote regarding April HRC meeting to review Police Racial Equity Audit – See [20240319ccm \(3\) - Laserfiche Weblink \(worcesterma.gov\)](https://www.worcesterma.gov/20240319ccm(3)-LaserficheWeblink)

The Chairperson moved to advise the City Manager that it has moved its April meeting to a later date and would dedicate that meeting to a thorough review and discussion of the Racial Equity Audit. Commissioner Bilotta seconded. All approved by roll call.

Commissioners agreed to review the Equity Audit before the next meeting. Individual Commissioners were assigned to review portions of the audit.

Adjournment

Motion to adjourn approved by roll call.

Next monthly meeting of the Human Rights Commission is Monday, April 8, 2024, 6:00 pm – Completely Virtual



POLICY AND PROCEDURE

NO.710

Juvenile Arrests **DRAFT 03-12-24**

Date Issued

Date Effective

Revision No.

No. of pages

1. PURPOSE

The Worcester Police Department while mandated for the protection of the public also recognizes the impact of its involvement with juveniles in the community. In addition to providing the same protections required in the case of adult arrests certain additional protective procedures must be employed in handling juvenile arrests. The purpose of this policy is to correctly guide members of the Worcester Police Department through the juvenile process, thereby always ensuring that the safety, rights, and privacy of the child are protected.

2. POLICY

It is the policy of this department, when dealing with juveniles, to employ the least coercive among reasonable alternatives consistent with public safety, order, and the rights of the child. When encountering a juvenile offender, unless required by statute, officers are encouraged to explore all reasonable alternatives to arrest whenever feasible. When the arrest of a juvenile must be made, it is the policy of this department to process and place juvenile offenders as soon as is reasonably practicable, with the goal of limiting the child's exposure to the criminal justice process as much as possible.

3. JUVENILE GUIDELINES

A. **Juvenile** – A child under the age of eighteen (18).

- Under the Age of 12: A juvenile under the age of twelve (12) cannot be charged with a crime.
- Age 12 to age 18: A summons is the **preferred** method for bringing all juveniles to court unless there is reason to believe the child will not appear upon a summons.
- Arrest Warrant: An arrest warrant will issue if the court has reason to believe the child will not appear upon a summons, or if the child has been summoned and did not appear, or if the juvenile violated the terms and conditions of probation.

B. **Delinquent Child** – A child between 12 years of age but less than 18 years of age who commits any offense against a law of the commonwealth; provided, however, that such offense shall not include:

- A civil infraction,
- A violation of any municipal ordinance or town by law, or
- A first offense of a misdemeanor for which the punishment is a fine, imprisonment in a jail or house of correction for not more than 6 months or both such fine and imprisonment.

4. PROCEDURE

A. Arrest

While officers should recognize the different dynamics of juvenile crime and misbehavior, the decision to arrest a juvenile incorporates the same legal considerations as the arrest of an adult. Therefore, the following still apply when placing a juvenile under arrest:

- Reasonable force may be used to take a juvenile into custody.
- Juveniles under arrest may be handcuffed during transport and processing.
- The same legal obligations apply to juveniles subject to an arrest warrant.

When faced with the decision to arrest a juvenile, officers are encouraged to follow the MPTC recommendations below:

- Inform the juvenile of your authority by identifying yourself as a police officer and notify the juvenile of the reason and charge for which the arrest is being made.
- Ascertain the name and age of juvenile.
- Search the juvenile for weapons if you believe the juvenile has a weapon, especially if the offense is one in which a weapon is usually involved.
- Follow the department's policy for handcuffing and other restraints. The best practice is to treat the juveniles in the same manner as adults regarding handcuffing.
- If the juvenile is sick or injured, inform a supervisor and request an ambulance. Monitor the subject and administer first aid where necessary. If transport to a medical facility is required, one officer should accompany the juvenile in the ambulance. The need for medical attention will be accomplished prior to processing and placement.

- The juvenile should be searched incident to arrest according to department policy and procedure.
- The time when the juvenile is taken into custody should be noted and recorded.

B. Transportation

Any juvenile in police custody shall be transported by police cruiser, not by prisoner transport van. Only in cases where there exists an urgent officer safety concern, may the prisoner transport van be used. This is provided such transport is approved by a supervisor. The reason transport in the prisoner transport van shall be documented in the incident report.

Juveniles shall not be transported to any court or institution in the prisoner transport van as specified in M.G.L., C.119, s.34.

Juveniles shall not be transported in the same vehicle or compartment with adult prisoners except in emergency situations, or when the juvenile is arrested in the company of adults for complicity in the same offense.

Once a juvenile is placed in an alternative setting, the juvenile must not be transferred to another setting until brought before the court. The department is expected to transport alleged delinquent youth to the alternative setting and to court unless the youth is involved with DCF or DYS. Then it will be the responsibility of the respective agency.

C. Booking Process

The juvenile booking process is the same as that for adults. This includes the inventory procedure, finger printing and booking photographs. All records for juveniles shall be maintained separate from adult offender records. All juveniles arrested will be recorded in the mandated Juvenile Docket Sheets. Only juveniles placed in a juvenile cell need be recorded in this docket, by bringing a copy of the booking sheet to the CJIS operator when the juvenile is booked and again when the juvenile is released.

D. Notification and Placement

When a juvenile is placed under arrest and transported to police headquarters, the Service Division shall immediately notify at least one of the child's parents, or, if there is no parent, the guardian or custodian with whom the child resides or the Department of Children and Families (DCF) if the child is in their custody.

If the Juvenile Court is Open

Transport to Juvenile Court:

If court is in session the Service Division shall complete the booking process and arrange to transport the juvenile directly to the juvenile court.

If court is not in session the Service Division is no longer required to contact Juvenile Probation. Therefore, the Service Division official will decide whether to or not detain the juvenile.

If the Juvenile Court is Closed

Release to Legal Custodian:

If a juvenile has been arrested without a warrant and the Service Division official determines that the juvenile should be released, such release shall be done so upon the acceptance of a written promise from the parent, guardian, custodian or a DCF representative who will ensure the juvenile's appearance on the next predetermined recognizance date for that court.

If a parent, guardian, or custodian refuses to take custody of a juvenile who is otherwise eligible to be released, the officer shall file a 51A and notify DCF via the DCF Hotline for placement.

In accordance with Mass. Gen. Laws ch.119, s.67, a juvenile age twelve (12) or age thirteen (13) who has been arrested without a warrant is prevented from being eligible for bail, and therefore must be released to a parent, guardian, custodian or a DCF representative.

A juvenile arrested without a warrant may no longer be released to a "reputable adult."

Bail Hearing:

A juvenile may be held pending a bail hearing under the following conditions:

- The juvenile must be 14, 15, 16, or 17 years of age.
- The Service Division official requests in writing or verbally notifies the bail clerk that the child be held. This request must be included in the incident report or CAD system.
- The juvenile has been arrested on a warrant and the issuing court has directed that the juvenile be held in safekeeping pending their court appearance.

In either case the bail clerk will make the final decision whether to release or hold the juvenile pending their court appearance.

Transport to an Overnight Arrest Program (OAP):

Juveniles aged 12 and 13 are not eligible for placement in an OAP and must be released in accordance with the sections above. Juveniles aged 14, 15, 16, and 17 who could not be transported to the juvenile court and were not released on bail will be transported to a Department of Youth Services (DYS) designated OAP facility by WPD Officers and picked up the next court day and transported to Worcester Juvenile Court.

If placement in an OAP is necessary, the Service Division must complete the following:

- Contact DYS to arrange for placement.
- Ensure the juvenile, when sick or injured, is medically cleared prior to placement.
- Ensure any mental health concerns are addressed and cleared by a mental health technician.
- Ensure any current medications are transported with the juvenile to the OAP.
- Provide transport to the OAP facility.
- Provide the intake staff with a copy of the booking sheet, DYS referral form and any medications.
- Arrange for a Jenkins hearing if the juvenile was arrested without a warrant and is expected to be held at the OAP for more than 24 hours.

E. Custody Restrictions

At no time shall a delinquent juvenile be placed in an adult cell or holding area. The age of the delinquent juvenile will determine what custody restrictions must be followed.

Non-Secure Detention (Juveniles 12 or 13 years of age)

Non-Secure detention is mandated for all delinquent juveniles who are 12 or 13 years of age. The requirements for non-secure detention of delinquent juveniles of this age are:

- Unlocked Multi-Purpose Area – Juveniles aged 12 or 13 must be held in an unlocked multi-purpose area such as a report writing room or office. The space must not be designed in any way for residential use, such as having a bunk or toilet.
- No Handcuffing to a Stationary Object – Juveniles aged 12 or 13 charged with a crime may be handcuffed but they shall not be handcuffed to any stationary object such as a bench or cuffing rail.

- Continuous Visual Observation – The Service Division official shall designate an officer or other suitable person to maintain continuous visual supervision of the juvenile.
- Process and Transfer – The juvenile should be held long enough to complete post-arrest processing, then released to an adult, agency or the court. The goal is to remove juveniles from the station setting as quickly as possible.

Note:

The Executive Office of Public Safety and Security (EOPSS) guidelines allow for the secure detention of a delinquent juvenile under the age of 14 if the juvenile has ignored clear instructions to remain in a non-secure area. Additionally, it may be necessary to secure a delinquent juvenile who presents violent or dangerous behavior in a locked area or approved cell. In all such cases, the Service Division official shall document the need for secure detention.

Secure Detention (Juveniles 14 and older)

Secure detention is defined as being physically detained or confined in a room, set of rooms, or a cell that can lock an individual within. Secure detention can result from either being placed in such an area and/or from being physically secured to a stationary object such as a cuffing rail/bench.

- No juvenile between fourteen 14 and seventeen 17 years of age, shall be placed in a cell, unless the cell has been certified by the Department of Youth Services.
- A juvenile may not be held in secure detention for more than six (6) hours. Within six (6) hours the juvenile must be either transported to the juvenile court, released to a parent/guardian/custodian, or transferred to the custody of the OAP. The best practice is for the six (6) hour clock to start when the juvenile is placed in police custody and ends when custody is transferred to the juvenile court, the juvenile is released to a parent/guardian/custodian or custody is transferred to the OAP.
- The requirement not to release a defendant for six (6) hours when arrested for a violation of Mass Gen Laws Ch. 209A or Mass Gen. Laws Ch. 265, sec. 13M (Domestic Assault or Domestic Assault and Battery) or sec. 15D (Strangulation or Suffocation), **DOES NOT APPLY TO JUVENILES.**
- Juveniles that are securely detained in police custody must be separated by sight and sound from adults in custody.
- A juvenile should only be held long enough for officers to complete the identification and booking process. Once completed, the juvenile should be

transported to the juvenile court, released to his/her parent /guardian/custodian, or transported to the OAP.

F. Jenkins Hearing

If a juvenile is arrested without a warrant and held in custody for more than twenty-four (24) hours, they are entitled to a Jenkins Hearing to determine whether there was probable cause to make the arrest, and to continue to hold the juvenile.

The bail magistrate that set bail on the juvenile CANNOT be the same magistrate who conducts the Jenkins Hearing.

Service Division personnel must call a magistrate, if the juvenile will be held over twenty-four (24) hours, to facilitate a Jenkin's hearing determination of probable cause to continue to hold the juvenile.

Juvenile unable to make bail/ unable to be released.

- A. When a juvenile has been charged with a delinquency or youthful offender offense and is unable to make bail or is unable to be released and court is closed, police must contact DYS.
- B. DYS will speak with the officer regarding the juvenile's arrest and complete the Statewide Awaiting Arrangement/Overnight Arrest Referral Form. Officers will need to specify the bail amount as it relates to the Bail Fee and Bail.
 - Bail Fee Only: If a juvenile is being held on a Bail Fee only, DYS has no authority to hold the juvenile in their custody. The Service Division official shall inform the Bail Magistrate of this, and arrangements will be made to release the juvenile without imposing a bail fee.

: If the juvenile is in the custody of DCF, DCF shall be notified via the DCF hotline to take custody of the juvenile.

5. PROTECTIVE CUSTODY

At times officers may be required to take a juvenile into protective custody to ensure the wellbeing and safety of the child.

- A juvenile of any age placed in protective custody for alcohol intoxication, shall not be securely detained for any amount of time.

- A juvenile of any age placed in protective custody for controlled substances/toxic vapors, shall be immediately transported to an emergency medical treatment facility.
- A juvenile placed in custody in accordance with Child Requiring Assistance (CRA) cannot be brought back to the police station.

6. CHILD REQUIRING ASSISTANCE (CRA)

Officers must PC a child named in a CRA Protective Custody warrant (WPC) only after they confirm with the juvenile court that the WPC is still active and they can present the child to a juvenile court judge by 4:30pm. If unable to present the child to a juvenile court judge by 4:30pm that day, officers have the following options:

- PC the child if they have probable cause that the child is a runaway, or
- Notify a parent or guardian of the WPC, have them sign a release form, and bring the child to court on the next available date, or
- Wait until the next day to serve the WPC during court hours.

7. JUVENILE INTEROGATION CONSIDERATIONS:

A juvenile between the ages of fourteen 14 and seventeen 17 years of age may waive the right to remain silent and to have counsel present during any interrogation. However, such consent will be closely scrutinized by courts to ensure that the consent was knowingly, voluntarily and intelligently made, with an awareness of the circumstances and possible consequences. The court will examine all the circumstances surrounding such consent and waiver to determine voluntariness.

Of all the factors a court may consider the most important factor to the court is parental presence. By law it is impossible for a juvenile under the age of fourteen (14) to give valid consent without the advice of the juvenile's parent or legal guardian. Another close relative or an attorney may be a sufficient substitute.

Due to the nuances and legal issues involved in the interrogating of juveniles, officers are advised to seek the counsel of their immediate supervisor or commanding officer prior to conducting any interrogations involving juvenile offenders.

A. Valid Miranda Waiver:

- Rights must be properly communicated and
- Parent or Interested Adult must be present, and
- Only exception is "Highly sophisticated youth at least age 14.

- Proper consultation must be afforded prior to waiver:
- Age 12 or 13 “Actual Opportunity” which is defined as failure to have a parent or interested adult present to assist child age 13 or under will invalidate any waiver of Miranda rights. Police actively encourage consultation.
- Age 14, 15, 16, or 17: “Meaningful Opportunity” Police provide chance to consult.

8. PRIVACY PROTECTION:

No officer or employee shall disclose the identity of an arrested juvenile to the public. Also, they shall not disclose information about the arrest, the investigation, or the disposition except in exigent circumstances and with the approval of the Chief of Police or his designee. The Service Division shall not enter a juvenile’s identifying information on the daily arrest log.

Per:

Chief of Police



POLICY AND PROCEDURE

NO.400

Use of Force – **DRAFT 02/01/2024**

Date Issued	Date Effective	Revision No.	No. of pages
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1. PURPOSE:

The purpose of this policy is to guide members of the Worcester Police Department (Department) in the proper use of force, including less lethal force and deadly force, in accordance with the training set forth by the Massachusetts Municipal Police Training Committee (MPTC) and the policies and procedures of the Department.

2. POLICY:

It is the policy of the Department that an officer's force response be objectively reasonable and account for the officer's perception of the risk/threat presented by a subject, as well as the officer's perception of the subject's action(s). Officer's use of force shall also take into consideration the totality of the circumstances.

The use of force by members of the Department is a matter of critical concern to both the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by using the appropriate level of force, therefore, officers will be called upon to use force in the performance of their duties.

The decision to use force requires careful attention to the totality of the circumstances of each incident to include the severity of the crime, if the subject poses an immediate/imminent threat to the safety of the officer or others and, if the subject is actively resisting. Whenever tactically feasible, members of the of the Department shall use de-escalation tactics to prevent or reduce the need to use force.

3. TRAINING AND QUALIFICATIONS:

An officer shall carry only authorized tools. Authorized tools are those with which the officer has been trained and with which the officer has qualified in accordance with the standards established by the Department, the MPTC, Massachusetts Peace Officer Standards and Training Commission (POST), and all applicable state and federal laws.

Trained qualified officers are the only personnel authorized to use less lethal systems beyond individual issued items. The decision to deploy these weapons will be based on the totality of the circumstances and the use of force guidelines (See "Use of Force Model" Sec 9). The officer has the right and an obligation to decline orders to use force in an improper, illegal, or in an excessively dangerous manner.

4. DEFINITIONS:

- A. **Actively Resistant:** A subject's non-compliance is increased in scope and or intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.
- B. **Assaultive Subject (Bodily Harm):** An individual who attempts to injure an officer or another person or who engages in conduct that has the potential to injure an officer or another person. The assault could be taking place or perceived to be imminent.
- C. **Assaultive Subject (Serious Bodily Harm/Death):** An individual who engages in conduct that is likely to produce death or serious bodily harm to an officer or another person.
- D. **Chokehold (Prohibited):** The use of a lateral vascular neck restraint, carotid restraint or other action that involves the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death (MGL 6E §1). Chokeholds are strictly prohibited by statute and the Department does not train its officers in the use of these techniques.
- E. **Compliant Subject:** A subject who submits to the officer's authority and direction through either words or actions.
- F. **Critical Incident:** An incident during which an officer's use of force tactic causes death or serious physical injury; an officer discharges a firearm during duty or off duty in an official capacity. The incident is a significant emotional event that breaks through an individual's normal coping mechanisms and may cause extreme psychological distress.
- G. **Display:** The presentation of any tool with the intent to compel compliance from a subject and the subject is likely aware of the display and the officer's intent.
- H. **Deadly Force:** Any use of force that is reasonably likely to cause death or serious bodily injury.
- I. **De-Escalation:** A process which results in a decrease in intensity or magnitude of a stressful and potentially violent encounter, the outcome of which reduces the possibility of increased officer use of force or subject injury.
- J. **De-escalation Tactics:** Proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis.
- K. **Distraction Technique:** In accordance with MPTC use of force training guidelines, a distraction technique is a very low-level technique that does not amount to a strike. Intent and intensity are key differences between distraction techniques and strikes. Distraction techniques are primarily used when an individual, who would classify as an Active Resistant Subject, has already begun

some type of physical resistance. The use of a distraction technique that results in the ability to control and restrain a subject may allow officers to stay at a lower level of force. This could avoid escalating to a higher level of force and increasing the risk of injury occurring to the subject. Distraction techniques are not stand-alone tactics. They are designed and trained to be used in conjunction with or to facilitate other controlling or compliance techniques.

- L. **Feasible:** Reasonably capable of being done or carried out under the totality of the circumstances to successfully achieve the police action being undertaken, without increasing the risk to officers, innocent civilians, or subject.
- M. **Force:** The amount of physical effort required by an officer to compel compliance from a person. This includes any use of force by an officer occurring in an official law enforcement capacity whether on-duty or off-duty. Force may be necessary to compel, repel or restrain an unwilling subject.
- N. **Force Model:** Force options that are divided into five (5) levels to guide the officer during the use of force situation.
- O. **Imminent:** A threat is imminent when based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to cause injury to an officer or others.
- P. **Involved Officers:** Unless otherwise indicated, refers to those sworn personnel in on-duty or off-duty status who discharge their firearm in an incident intentionally (not to include euthanizing an animal) or unintentionally; arrest or are in the process of arresting an individual who subsequently dies; engages in the use of force that results in serious bodily injury; or are present and participate in a critical incident in a meaningful degree. Meaningful Degree -The officer was able to view the action that caused the individual to have serious bodily injury; the officer was able to view the action that caused the individual to become deceased; or a supervisor determines that the officer was present and in significant proximity to the event that could break through an individual's normal coping mechanism that could in turn cause extreme psychological distress.
- Q. **Non-Deadly/Less-Lethal Force:** Force which is not intended to cause death or serious physical injury. However, it may have the potential to do so.
- R. **Objectively Reasonable:** The legal standard used to determine the lawfulness of a use of force grounded in the Fourth Amendment to the United States Constitution. See *Graham v. Connor*, 490 U.S. 386 (1989.) *Graham* states in part, "The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second decisions in circumstances that are tense, uncertain, and rapidly evolving. The test of reasonableness is not capable of precise definition or mechanical application." Force must be reasonable under the totality of the circumstances known to or reasonably believed by the officer at the time force was used.
- S. **Passive Resistant:** An individual who is uncooperative/non-compliant but does not use physical strength, body movement or energy-based resistance against officers.

- T. **Perceived Circumstances:** Are the reasonable officer's perspective of the severity of any crime, the existence of all safety threats to the officer or others, and the degree of compliance and/or non-compliance from the subject at the time of the encounter.
- U. **Perceived Subject Action:** The subject's actions as perceived objectively by the reasonable officer, and which indicate the subject to be at one or more of the Use of Force Model's compliant and/or non-compliant categories.
- V. **Personal Weapons:** A part of the human body that is used as an instrument to strike.
- W. **Serious Physical Injury:** An injury that creates a substantial risk of death, causes serious permanent disfigurement, requires the subject to be admitted into a hospital, and/or results in extended loss or impairment of the function of any bodily appendage or organ.
- X. **Strike:** To impact forcefully and suddenly utilizing approved tools, personal weapons, or tools of immediate means or opportunity.
- Y. **Tools of Immediate Means or Opportunity:** In the event an officer is faced with a situation where there is a substantial/imminent risk of physical injury or death to themselves or another, and access to approved tools and weapons are not available or tactically feasible, they may resort to using a tool of immediate means or opportunity (See Section 9, "Use of Force Model," Level Four, Below).

5. DE-ESCALATION:

De-Escalation training shall be conducted initially at the student officer level and annually thereafter. All officers shall participate in De-Escalation training. Officers shall be instructed on; related definitions, including a working definition of De-Escalation, appropriate verbal and non-verbal techniques to De-Escalate subject behavior, apply the principles of time, distance and cover as they relate to de-escalation, and properly document in detail the subject's behavior and attempts to De-Escalate the subject's behavior.

6. USE OF NON-DEADLY FORCE:

Officers shall not use physical force upon another unless: De-Escalation tactics have been attempted and failed or De-Escalation tactics are not feasible based on the totality of the circumstances.

- A. An officer may use that level of non-deadly force that is objectively reasonable to bring an incident and/or subject under control.
- B. An officer is authorized to use non-deadly force to:
 - 1. Affect a lawful arrest or detention,
 - 2. Protect the officer or another person(s) from physical harm,
 - 3. Restrain or subdue a resistant subject, and prevent escape,
 - 4. To bring an unlawful situation safely and effectively under control.

7. USE OF DEADLY FORCE:

Officers shall not use deadly force upon a person unless: De-Escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances, and such force is necessary to prevent imminent serious bodily harm or death to a person. The amount of force used must be proportionate to the threat of serious bodily harm or death.

It should be noted that deadly force is not “tool” or weapon specific. An officer who is faced with the imminent risk of serious bodily harm or death may not have the opportunity to utilize an approved department issued force option and as such may be required to deploy a tool or technique which does not fall within department issued options.

An officer is authorized to use Deadly Force to:

- A. Protect the officer and/or another person(s) from an unlawful attack, which the officer reasonably perceives as an imminent threat of death or serious physical injury. Under no circumstances may deadly force be used for the sole purpose of protecting or preserving property.
- B. Fleeing Felon: Can only use deadly force if the officer is presented with a deadly threat to themselves or another. Whenever it is both practical and reasonable, a clear warning to the fleeing felon is required prior to the use of deadly force. Deadly force may never be used to stop or apprehend a fleeing misdemeanor (*Tennessee v. Garner*).
- C. Render harmless an animal which presents a clear and immediate danger of death or serious injury to a human being, or an animal which is so severely injured that humanity requires its removal from further suffering.

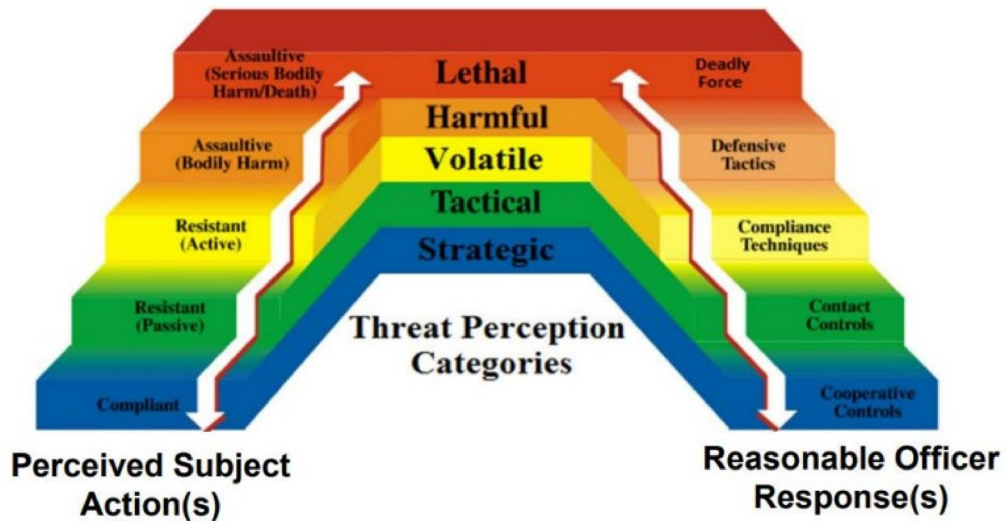
8. PROGRESSION OF FORCE:

The officer’s response options within each of the five force levels identified in the Use of Force Model (See Section 9) are not necessarily listed in the order of use and/or need. The officer may de-escalate, stabilize, or escalate their response based upon their risk assessment and their perception of the subject’s degree of compliance or non-compliance.

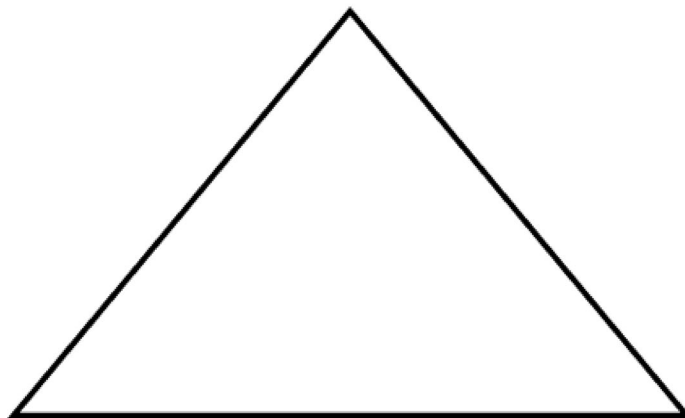
The force tactics listed in each of the five force levels identified in the Use of Force Model are those tactics that officers are trained in. The Department recognizes that there are other methods and tactics that can be used at each of the levels of authority. If a tactic is used that is not listed, it must be objectively reasonable as it relates to the officer’s perception and the subject’s action.

9. USE OF FORCE MODEL:

MPTC USE OF FORCE MODEL ©



Perceived Circumstance



Perceived Subject Action(s)

Reasonable Officer(s) Response

Level One: The Compliant Subject:

1. The perceived subject actions: The officer perceives the subject's actions as cooperative and control is maintained via public acceptance, officer presence, verbalization skills, etc.
2. The perceived circumstances are strategic: The officer must maintain a minimum level of awareness and preparedness to enhance the overall and ongoing status of officer safety anytime he/she is working.
3. The reasonable officer responses are cooperative controls: The cooperative controls would include, but not be limited to those force tactics listed below.

Cooperative Controls (Compliant Subjects)	
Police Strategy	Police Tactics
Officer Presence:	Appearance
Approach Techniques:	Dialogue, Verbal Commands
Frisk Techniques:	Confrontation Equation Relative Positioning Contact/Cover Officer Tactics
Searching Techniques:	1 Officer on 1 Subject 2 Officers on 1 Subject
Restraining Techniques:	Handcuffing Flex-Cuffs Leg Restraints 1 Officer on 1 Subject 2 Officers on 1 Subject
Transporting Techniques:	Two Officer Unit One Officer Unit Patrol Wagon

Level Two: The Resistant (Passive) Subject:

1. The perceived subject actions: This is the preliminary level of subject non-compliance. The subject offers no physical or mechanical energy enhancement toward the resistant effort. The subject has not directed his or her physical strength and/or maintaining a posture of resistance. Rather, the subject merely fails to respond to any of the cooperative controls listed in the previous section.
2. The perceived circumstances are tactical: The officer perceives an increase in the threat potential within the confrontational environment, which would initiate the process where specific tactics and procedures would now be deployed.
3. The reasonable officer responses are contact techniques: The contact controls would include, but not be limited to those force tactics listed below.

Contact Controls (Passive Resistant Subjects)	
Police Strategy	Police Tactics
Restraint Techniques:	Elbow Grasp
Contact Controls:	Escort Position Handcuffing Control Position

Level Three: The Resistant (Active) Subject:

1. The perceived subject actions: The subject's non-compliance has increased in scope and intensity and now includes energy enhanced physical or mechanical defiance. The individual has directed his or her physical strength and energy in establishing, achieving and/or maintaining a posture of resistance.
2. The perceived circumstances are volatile: The officer is now confronted with the presence and/or potential of an increase in the threat intensity, severity, etc. The officer recognizes the increase in the threat potential and must deploy techniques and tactics that would overcome and/or control this increased risk.
3. The reasonable officer responses are compliance techniques: These compliance techniques would include, but not be limited to those force tactics listed below.

Compliance Techniques (Active Resistant Subjects)	
Police Strategy	Police Tactics
Compliance Techniques:	Front Wrist Lock Bent Wrist Lock Finger Grasp Take Down Rear Wrist Lock Pressure Points Arm Bar
Baton Control Techniques:	Strong Side Arm Lock Support Side Arm Lock Strong Side Wrist Drag Support Side Wrist Drag
Distraction Techniques: <i>*Only to be used in conjunction with approved Compliance/Control Techniques.</i>	Triceps Pinch Side of Thigh Radial Nerve Shin Median Nerve Top of Foot Hip Push
Non-Chemical Agents:	Oleoresin Capsicum (O.C.) Spray Pepperball Saturation Techniques (Certification Required) O.C. Munitions (Certification Required) ECW Sparks Display/ECW Drive Stun Mode/ (Certification Required)

Level Four: The Assaultive (Bodily Harm) Subject:

1. The perceived subject actions: The officer's attempt to gain lawful compliance concluded in a perceived or actual attack on the officer or another person(s). The officer makes the reasonable assessment that such actions by the subject would result in his/her or another's bodily harm.
2. The perceived circumstances are harmful: The officer perceives an accelerated assessment of danger. This situation has reached the degree where the physical wellbeing of the officer or another person is in jeopardy if the subject is not stopped and controlled.
3. The reasonable officer responses are defensive tactics: These defensive tactics would include, but not be limited to those tactics listed below.

Defensive Tactics (Assaultive Bodily Harm Subjects)	
Police Strategy	Police Tactics
Impact Weapon Techniques:	Expandable Straight Baton Less Lethal Shotgun (Certification required) 40 mm Launcher (Certification required) ECW Probe Deployment (Certification required) K-9 Tools of Immediate Means or Opportunity (See Section 6 Above, "Use Of Non-Deadly Force")
Assault Defenses:	Personal Weapons: Head Hands i.e., Punches, Palm Heel Strikes, Edged Fist Strikes Elbows Knees Feet
Non-Chemical Agents:	Pepperball Impact Technique (Certification required) 40 mm Launcher (Certification required)

Level Five: The Assaultive (Serious Bodily Harm, Death) Subject:

1. The perceived subject actions: The officer is now confronted by an assaultive act that reaches the ultimate degree of danger. The officer perceives that if these actions are followed through with, that the officer or others would be subject to death or serious physical harm.
2. The perceived circumstances are lethal: The officer perceives the highest degree of threat towards his/her or another's safety. The officer's reasonable assessment would be that if this situation were allowed to continue that he/she or another could be seriously injured or killed. A maximized system of defense must be initiated.
3. The reasonable officer responses are deadly force: These deadly force tactics would include, but not be limited to those force tactics listed below.

Deadly Force: Assaultive (Serious Bodily Harm, Death) Subject	
Police Strategy	Police Tactics
Service Weapons:	Department Issued Handgun Department Authorized Special Weapons Tools of Immediate Means or Opportunity

10. DUTY TO PROVIDE MEDICAL AID:

After any level of force is used, the officer involved or any officer aware of a visible injury, complaint of injury, signs of medical distress, or when medical attention is requested by any person, shall immediately evaluate the need for medical attention, render aid consistent with their training, and activate the Emergency Medical Services (EMS) system as soon as the situation safely allows.

When it is the officer's belief that an individual in custody has swallowed a controlled substance EMS shall be requested. The individual shall be monitored until relieved by EMS. If the individual is not under arrest, they should be encouraged to be evaluated by EMS.

11. CHOKEHOLDS PROHIBITED:

Chokeholds are strictly prohibited by statute and the Department does not train its officers in the use of these techniques.

Chokeholds are defined as the use of a lateral vascular neck restraints, carotid restraints or other actions that involve the placement of any part of law enforcement officer's body on or around a person's neck in a manner that limits the person's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness or death are strictly prohibited.

In addition, officers are prohibited from utilizing restraint techniques that include compressing or squeezing the nose, trachea, windpipe, or throat area to stop a subject from ingesting what is believed to be a controlled substance. If an individual has already placed what is believed to be a controlled substance in their mouth, force should not be used to remove said substance. Force in accordance with the Use of Force Model may still be used to affect the arrest.

12. REPORTING USE OF FORCE INCIDENTS:

A. Any Official Police Interaction:

Whenever a sworn member of this department uses force in the performance of their duties, whether that involved an actual arrest or not, and that force is at a Level Three or higher (See Section 9, Use of Force Model), an incident report articulating that force shall be entered into the Police Server Records Management System (RMS). The display of any authorized police tool, will constitutes a "use of force" and as such, must be reported. As with all reports entered in the RMS system, the report shall be signed by the officer and reviewed and signed by a police supervisor.

B. Initial Verbal Report to Supervisor:

Whenever a sworn member of this department has a display of force or a use of force at level three or higher, in the performance of their duties, a verbal report of the incident shall be made to the officer's supervisor once the scene is safe and before clearing the location. Additionally, a verbal report of any injury to an individual taken into custody that was caused by a use of force shall be made to the officer's supervisor once the scene is safe and before clearing the location.

C. Written Reporting:

Pursuant to paragraphs A and B above, reports of the use of force must be entered into the RMS under the incident number as an arrest or supplementary report.

All use of force reports shall be reviewed, signed, and submitted prior to the end of the officer's tour of duty absent extenuating circumstances. Those extenuating circumstances shall be brought to the attention of the immediate supervisor who will inform the officer's commander.

Pursuant to paragraphs A and B above, where the level of force is perceived to be lethal in nature, reports by involved officers shall be submitted to and reviewed by a police supervisor no later than 72 hours after the incident occurred unless medical reasons or other extenuating circumstances exist. Those extenuating circumstances shall be brought to the attention of the commander who shall submit a written report to the Chief of Police delineating the extenuating circumstances.

Supervisors notified of any display of force or a use of force incident relative to force levels three or higher, are to generate a use of force notification email indicating the incident number, the type of force used, and the officer(s) that used force. This email shall be forwarded to the following:

- Commanding Officer
- Appropriate Deputy Chief
- Training Division
- Bureau of Professional Standards

D. Body Worn Camera Report Writing:

To help ensure accuracy and consistency, BWC officers may review the BWC recording prior to preparing reports in all cases EXCEPT when officers used force, not a display, at Levels four or five of the Use of Force Model. In those cases, the BWC officer is required to write their initial report first and then review their recording (See Policy 403, Body Worn Cameras, Section 2, and Section 4).

The supervisor responsible for signing officers' reports shall review BWC recordings when an officer has any display of force or utilizes a level of force classified as level three or higher. The precinct/unit commander or their designee (the designee cannot be the reviewing sergeant) will review every use of force incident (videos and reports) that are classified as level four or higher.

13. DUTY TO INTERVENE/DUTY TO REPORT

M.G.L. Ch. 6E, § 15 Duty to Intervene/ Duty to Report (Excerpt)

- (a) An officer present and observing another officer using physical force, including deadly force beyond that which is necessary or objectively reasonable based on the totality of the circumstances, shall intervene to prevent the use of unreasonable force unless intervening would result in imminent harm to the officer or another identifiable individual.
- (b) An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall report the incident.

Procedure:

The officer who observes another officer using physical force, including deadly force, as described

in section 13 above, shall immediately make a verbal notification to their immediate supervisor once the scene is safe and before clearing the scene. The officer will submit a report as soon as reasonably possible but no later than the end of the officer's shift. The supervisor will then submit a report through their chain of command to the officer's commanding officer as soon as reasonably possible but no later than the end of the supervisor's shift. The supervisor's report shall list all persons present that may have witnessed visually or audibly the incident involving the use of force. After the report has been reviewed by the officer's commanding officer, the commanding officer shall notify the appropriate deputy chief and the Bureau of Professional Standards (BOPS) through department email. When administrative action is deemed necessary, BOPS shall perform an investigation into the use of force. Whenever it becomes apparent that the investigation involves the bona fide possibility of one or more criminal charges being filed against an employee, a separate, parallel investigation will be initiated and conducted under the command of the Deputy Chief of the Investigative Bureau.

14. OFFICER MEDICAL EVALUATIONS:

After an officer's deployment of lethal/deadly force or when serious physical injury or death occurs, protocols under Policy No. 501, Officer Involved Shootings, In-Custody Deaths, and Serious Uses of Force, shall be followed. Said officer shall be sent to a medical facility for evaluation.

In instances where a member of law enforcement causes or incurs serious physical injury or death, other involved officers may be required by a supervisor to be evaluated by EMS or be sent to a medical facility forthwith for medical evaluation. The officers may not opt out of this medical evaluation except directly by professional medical staff at the medical facility.

15. DEBRIEFING MEETING AFTER CRITICAL INCIDENT:

Debriefing meeting will take place when the following occurs:

- An officer meets the criteria defined in Section 4F, Critical Incident.
- An officer discharges a firearm during duty (or off-duty in an official capacity) except when the firearm is used on an animal.
- A commander requests to review an incident.

The following personnel may be notified to attend:

- Chief of Police or his designee
- Deputy Chiefs or command staff designated by the Chief of Police
- Involved Officer(s) Commander
- Professional Standards for policy review (if applicable)
- Detective Bureau Official (if applicable)
- Training Division Official
- Department Use of Force Instructor

Per:

Paul B. Saucier
Chief of Police

- April 13, 2007: Policy # 400 Use of Force, September 1, 1993 was revised.
- May 6, 2008: “Injured prisoner IDC report” wording added to section XI, Medical Aid, and Revised
- October 30, 2008: Use-of-Force/Training division review added.
- September 13, 2010: “Brachial Stun” added to section IV “Definitions” and section VIII “Use of Force Model”, Level Four.
- October 2011: Section XI revised.
- October 12, 2014: reporting Use of Force Procedures Revised, Written Reports Mode of Reporting Revised, and Officer Medical Evaluation added.
- August 31, 2015: Section 10 (c) added: Personal Weapons, i.e. hands, feet, head, etc.
- July 05, 2018: 2nd paragraph in Section 9 concerning restraint techniques that include compressing or squeezing the nose, trachea, windpipe, or throat added.
- August 10, 2018: “Force in accordance with the Use of Force Model may still be used to affect the arrest.”
- July 9, 2021:
 - Amended “Purpose” section.
 - Amended “Policy” section.
 - Amended “Force” under Definition Section.
 - Amended “Objectively Reasonable” under Definition Section.
 - Removed “Brachial Stun”
 - Added letters “J-U” under Definition Section.
 - Added “De-Escalation” section.
 - Amended “Use of Non-Deadly Force” section.
 - Amended “Use of Deadly Force” section.
 - Added “i.e., punches, palm heel strikes, edged fist strikes” next to Assault Defenses under Level Four: The Assaultive (Bodily Harm) Subject Section.
 - Amended “Personal Weapons” under Initial Verbal Report to Supervisor Section.
 - Added Section 9 Level 3 “MPTC distraction techniques that require strikes are prohibited at Level Three”.
 - Added Section 10 Subsection C. verbal report for injury.
 - Amended Section 11 Subsection D, Written Reporting
 - Amended “Officer Medical Evaluations” Section
- June 2, 2022:
 - Added Tool of Immediate Means or Opportunity definition
 - Added Section 11, Subsection C, “K9”

Amended Section 11, Subsection E procedure

Amended Section 11, Subsection F, 2 “Sub” removed from Sub-Committee

Amended Section 13, Subsection A

February 1, 2024: Reviewed and revised through the Policy Review Committee.

- i. Annual Requests to the WPD for Reports to the Commission
 1. Annual hate crime statistics and full investigation reports for each incident;
 2. Annual bureau of professional standards report for 2023
 - a. With cross check against POST Commission listing of sustained allegations and disciplinary actions and explanation of any discrepancy between BOPS and POST listings
 - b. With copy of investigation reports for all complaints (regardless of sustained/exonerated/unfounded/not sustained) for all complaints involving criminal conduct, unnecessary force, discourtesy, improper dissemination of information, improper associations and dealings, conduct unbecoming, bias free policing, use of force, handcuffs and restraints, K9 guidelines, handling evidence/property, racial profiling, handling of prisoners. For each sustained complaint, please detail every disciplinary action against any policy and indicate for each case whether criminal prosecution against the officer(s) ensued and the result of any such prosecution
 - c. Please provide copy of all Early Intervention System (EIS) trigger reports from last two years (3 or more citizen complaints against officer triggers EIS report)
 3. Annual report on WPD Diversity Officers recruitment, outreach, and initiatives
- ii. Additional Requests
 1. Updated report on WPD officers fluent in languages not including English, by language
 2. State whether all WPD officers will be issued City cell phones and if so, please discuss the relevant timeline.
 3. What options are available to an officer to access the Language Line in the absence of a department issued cell phone (including options available to assist residents with ASL)?
 4. Report on number of times language line was accessed by police officer on a call and the languages needed/accessed during that call.
 5. Identify the passing rate for 2023 Police Civil Service Exam, broken down by race/color and gender.
 6. Identify the results of the background check conducted on police recruits who pass civil service exams, with passage of background check rate by gender, race and ethnicity.
 7. Share data on motor vehicle stops of city residents with a focus on the breakdown of stops/citations/vehicle searches/arrests by race/gender/ethnicity, by department, by location (zip code or specific intersections), and the highest number of stops and citations by a particular officer verses the average.
 8. Please provide copies of any policies that address display of “blue lives matter” flag or logo or statement on WPD uniforms, undercover clothing, police cars or police facilities.
 9. Please provide minutes of weekly staff meeting on emerging crime trends and/or all reports on emerging crime trends.
 10. Please provide statement on how the WPD uses predictive policing.
 11. Please indicate how many civil rights lawsuits has the WPD settled since January 2023.
 - a. How many of these settlements involved claims of use of excessive force?
 - b. How many of these settlements involved claims of unconstitutional stops or detentions?
 - c. How many of these settlements involved claims of unlawful arrest?
 - d. How many of these settlements involved claims of differential treatment based on race and/or national origin?
 - e. How much money has been paid out per lawsuit and in the aggregate?
 - f. 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?
 12. Regarding the WPD Tactical Patrol Force Project 6 (henceforth Patrol Force):
 - a. How many arrests has that patrol force made since January 2023?
 - b. Please break down those arrests by category.

- c. What percentage of those arrests involved POC?
 - d. What percentage of those arrests resulted in convictions?
 - e. What percentage of those convictions involved POC?
 - f. Have any actions of the Patrol Force been challenged in civil rights lawsuits?
 - g. Have any of those lawsuits resulted in settlements?
13. Please provide detailed inventory of any incident since January 2023 in which any member of the WPD utilized a Safari-Smoke Grenade, including:
- a. the event at which the grenade was deployed,
 - b. the number of grenades deployed,
 - c. the police officer(s) who deployed the grenade(s), and
 - d. any report(s) filed of injuries sustained by police officers and/or civilians as a result of the use of such grenade(s).
14. Please provide detailed inventory of any incident since January 2023 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:
- a. the event at which the device(s) was/were deployed,
 - b. the number of device(s) deployed,
 - c. the policy officer(s) who deployed the device(s), and
 - d. any report(s) filed of injuries sustained by police officers and/or civilians as a result of the use of such device(s).
15. Please detail the number of uses of tasers since January 2023 (providing the state electronic control weapons use reporting form for each such use) and, for each such use please indicate:
- a. the stated rationale for the use of said taser(s)
 - b. whether the incident resulted in an arrest,
 - c. whether the arrest resulted in charges and the ultimate disposition of such charges, and
 - d. whether the incident involved a person of color.
16. Please list the number of incident reports filed since January 2023 reporting the use of force at a Level Three or higher? For each report please indicate:
- a. if the subject was a POC,
 - b. if an actual arrest was made,
 - c. if charges were filed and the disposition of those charges, and
 - d. please indicate the name(s) of the police officers involved.
17. Have there been any complaints since January 2023 for violations of civil and/or constitutional rights related to WPD drone usage? How many? How have they been handled?
18. Has WPD shared drone footage/data with any other local, state or federal departments/agencies? What is the process for sharing drone footage with another local/state/federal agency when requested as a part of an ongoing investigation? Is there a record kept of such requests? Please share.
19. Please identify the number of encounters between the Quality of Life Team and homeless encampments that resulted in the displacement of said encampments in 2023, and identify any reasons for such action.
20. How many times in 2023 did WPD respond to data from shot spotter? How many instances led to arrests and convictions?
21. How many individuals were arrested for prostitution and/or solicitation since January 1, 2023? Please breakdown data by race/gender/ethnicity.
22. In 2021, the WPD informed the HRC that they were aware of the Cambridge Police Department's policy on Trauma Informed Policing and agreed to look into the

relevant policy and the possibility of implementing aspects of their policy with the WPD. Was this something that the WPD was able to implement?

23. Do you have any reference to the guiding principles or best practices provided by the AG's Human Trafficking Task Force or other information we can look at about those best practices?
24. In 2021, the HRC and WPD discussed how the later would ask the training division to include information on procedures about handling domestic violence situations in light of relevant laws. Please described whether/ how this was implemented and/or what relevant trainings the WPD already offers.
25. Please provide an update on Power DMS software and the extent to which it is being used by the WPD.
26. What, if any, training is offered particularly in reference to Chapter 209C regarding custody of children of unmarried parents and the issue of parental kidnapping?