

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

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

Virtual meeting link:

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

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

Attendance:

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

Absent: Jamaine Ortiz, LaToya Lewis

Staff: Jayna Turchek

Call to order and introductions

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

Commissioner Creamer began with an acknowledgement of the traditional, ancestral, territory of the Nipmuc, the first people of Massachusetts and those whose land we are convening on tonight. While the Nipmuc history predates written history, records from the 1600s inform us that the original inhabitants of Worcester dwelled principally in three locations: Pakachoag, Tatesset (Tatnuck), and Wigwam Hill (N. Lake Ave). It is important to make this acknowledgment and to honor the ancestors that have come before us. It is all too easy to live in a land without ever hearing the traditional names and the history of the people who first resided and prospered in these lands and continue to reside and prosper. The Human Rights Commission was established to promote the city's human rights policies. It is the policy of the City to assure equal access, for every individual, to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals in the city. Our work requires us to address institutional racism so that as a community we can achieve racial equity. Our work also requires us to make visible the unheard, unearned, and unquestioned privilege enjoyed by some members of our community to the detriment of others. We take time to make this acknowledgement, to educate, so a path can be cleared for healing.

Commissioner Creamer shared the terms of the Commission:

The term "institutional racism" refers specifically to the ways in which institutional policies create difference outcomes for different racial groups. The institutional policies

may never mention any racial group, but their effect is to create advantages for whites and the oppression and disadvantage for people from groups classified as people of color. The term “racial equity” is the active state in which race does not determine one’s livelihood or success. It is achieved through proactive work to address root causes of inequalities to improve outcomes for all individuals. That is, through the elimination or shifting of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or fail to eliminate them. The term “privilege” describes the unearned social power and informal institutions of society to all members of a dominant group. For example: “white privilege” and “male privilege.” Privilege is usually invisible to those who have it because we are trained to not see it but nevertheless it puts them at an advantage against those who do not have it.

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

Approval of meeting minutes from May 1, 2023

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

Approval of meeting minutes from June 12, 2023

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

Annual Meeting with the Worcester Police Department (WPD)

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

A. Review and Discuss the Annual Reports

1. Hate Crime Statistics

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

2. Annual Bureau of Professional Standards Report

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

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

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

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

The Chairperson briefly interjected to ask a question.

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

Response: Yes, that is correct.

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

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

Captain D'Andrea continued the presentation.

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

Captain D'Andrea paused to answer a question.

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

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

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

Response: I do not know.

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

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

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

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

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

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

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

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

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

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

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

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

Response: no.

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

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

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

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

Captain D'Andrea moved on to the next report.

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

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

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

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

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

Captain D'Andrea paused to respond to questions.

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

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

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

Captain D'Andrea resumed.

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

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

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

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

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

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

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

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

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

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

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

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

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

Captain D'Andrea fielded a question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. WPD Drone Policy

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

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

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

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

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

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

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

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

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

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

Response: yes, a larger and smaller one.

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

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

Captain D'Andrea concluded the WPD's presentation.

Planning for future meetings:

A. Joint Meeting with the Worcester Election Commission

Planning discussion:

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

B. Update on Broadband Conversation

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

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

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