

**Chairperson**  
Ellen Shemitz

**Vice-chairperson**  
Elizabeth O'Callahan

**Clerk**  
[vacant]



## Human Rights Commission

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

### VIRTUAL MEETING AGENDA

**Monday, November 13, 2023, 6:00pm**

Virtual meeting link: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YWQwZTQ3ZDUtN2EzZi00ODY1LWE1NGYtMTMyNTEwNGY0NmI1%40thread.v2/0?context=%7b%22Tid%22%3a%22f25998dd-1be6-42c6-a44c-8785f3e6deb6%22%2c%22Oid%22%3a%2202af705d-5ebe-4000-83cf-64efc45b8c33%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWQwZTQ3ZDUtN2EzZi00ODY1LWE1NGYtMTMyNTEwNGY0NmI1%40thread.v2/0?context=%7b%22Tid%22%3a%22f25998dd-1be6-42c6-a44c-8785f3e6deb6%22%2c%22Oid%22%3a%2202af705d-5ebe-4000-83cf-64efc45b8c33%22%7d)

Meeting number: 267 678 751 717 Password: 36fDrZ Phone: [+1 469-998-7682](tel:+14699987682),694051078#

To request a reasonable accommodation or interpretation or to submit written comments or questions in advance of the meeting, please contact the Human Rights and Accessibility Office by email at [humanrights@worcesterma.gov](mailto:humanrights@worcesterma.gov). Please note that interpretation requests must be received no later than 48 hours in advance of the meeting.

**Note: Participants on Teams may select to view closed captioning (via artificial intelligence) in a variety of languages.**

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*Para solicitar interpretación o una adaptación razonables o para enviar comentarios o preguntas por escrito antes de la reunión, comuníquese con la Oficina de Derechos Humanos y Accesibilidad por correo electrónico a [humanrights@worcesterma.gov](mailto:humanrights@worcesterma.gov). Tenga en cuenta que las solicitudes de interpretación deben recibirse a más tardar 48 horas antes de la reunión. **Nota: Los participantes en Teams pueden seleccionar ver subtítulos (a través de inteligencia artificial) en una variedad de idiomas.***

### AGENDA

#### 1. Call to order, introductions, instructions for public participation

**Public Comment** (*Time will be allotted for each item as it is introduced or at Chairperson discretion*)

#### 2. Approval of meeting minutes from June 12, 2023 and October 2, 2023

#### 3. Discussion of the Human Rights Commission's Priorities

- a. Summary of the meeting on October 20, 2023 involving City Manager Eric Batista, Assistant City Manager Hung Nguyen, Chairperson Ellen Shemitz, Esq., Vice-chairperson Liz O'Callahan, Commissioner Guillermo Creamer, Assistant City Solicitor Janice Thompson, Esq., and Interim Executive Director of the Human Rights and Accessibility Office Victor Perez, Esq.
- b. Discussion of the City Manager's Memorandum to the Human Rights Commission, dated November 6, 2023
- c. A recounting of HRC's past initiatives and accomplishments with Vice-chairperson Liz O'Callahan

- d. Updates on the Worcester Police Department's Language Access Policy and Internal Policy Review Committee
- e. Discussion of future agenda items

**4. Updates from Interim Executive Director of the Human Rights and Accessibility Office Victor Perez**

- a. Massachusetts Commission Against Discrimination Worcester Office Re-opening
- b. Chief Equity Officer position status
- c. WPD Civilian Academy Sign-ups
- d. New monthly meeting day for HRC

**5. Adjournment**

**Next monthly meeting of the Human Rights Commission Monday, December 4, 2023, 6:00 pm at the Esther Howland Chamber in Worcester City Hall**

Eric D. Batista  
City Manager



## MEMORANDUM

**TO:** The City of Worcester Human Rights Commission

**CC:** Victor Perez, Esq., Lead Investigator/ Interim Executive Director of the Human Rights and Accessibility Office

**FROM:** Eric Batista, City Manager

**DATE:** November 6, 2023

**RE:** A Vision for the Continued Success of the Human Rights Commission

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### A. Introduction:

It is my pleasure to discuss the future of the Human Rights Commission amid the many ongoing changes affecting the City's Executive Office of Diversity, Equity, and Inclusion (EODEI).

I am very appreciative of the Human Rights Commission's work over the years and its numerous accomplishments, including the pending creation of the Worcester Police Department's Language Access Policy and related trainings, which I understand is making tremendous progress. The Commission achieved these accomplishments despite the limitations inherent to the Commissioner role, given that it is volunteer based, many Commissioners have full-time positions or other substantive time commitments, and there is a limited two-hour window each month to meet, discuss, and execute relevant duties and responsibilities.

In order to ensure the Commission's enduring success in light of the above changes and ongoing constraints, one of my duties as City Manager as guided by Article 15, Section 10 of the City's Revised Ordinance of 2015 ("the Ordinance") is to communicate a focused vision for the Human Rights Commission going forward, which I outline in detail below.<sup>1</sup>

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<sup>1</sup> In accordance with Article 15, Section 10(a) of the City's Revised Ordinance of 2015 ("the Ordinance"), the Human Rights Commission was established to "promote the human rights policy of the city [of Worcester]." Article 15 Section 10(d) of the Ordinance clearly lays out the Commission's duties and responsibilities, and it provides legal authority for the Commission to execute the same. Ultimately, the Human Rights Commission, as is true for all City Departments and Commissions described in Articles 2 through 18 of the Ordinance, was established and operates "under the jurisdiction of the city manager." Article 15, Section 10(a). The City Manager retains authority over the special employment of each Commissioner, whom they appoint for three-year terms. Article 15, Section 10(b).

Historically, the City Manager has overseen City departments and commissions, which are established by Ordinance "under the jurisdiction of the city manager," at both macro and micro levels, and accordingly has directed these entities, for example, relevant to the creation or maintenance of special initiatives, the prioritization of their activities based on available/limited time and resources, and employment decisions, including hirings, suspensions, and terminations.

Your work impacts so many members of our City family, including employees, residents, and other constituents. I believe that together we can accomplish even more, and the Commission is a vital partner to advancing the City's community engagement and quality of life goals.

## **B. HRC Duties and Responsibilities:**

In line with my past conversations with both Commission leadership and the Worcester City Council, I intend for the Human Rights Commission to play an important role in the restructure of the City's EODEI. To be clear, this is not something that should wait until the hiring of the new Chief Equity Officer or other supporting staff in the newly reorganized Department. Rather, this role can and should commence *immediately* given its high importance.

First, the Commission should work to align its functions with those primarily outlined in the Ordinance, which lists chronologically as its first four of 12 duties and responsibilities: investigating denial of equal access and discrimination in employment, housing, education, recreation, and public accommodation against private entities; holding hearings; conducting mediations; and issuing orders and reports upon completion of any investigations or hearings. Article 15 Section 10(d) (1-4). My administration will collaborate with the Commission to provide the resources and support needed to eventually ensure its compliance with these duties and responsibilities as detailed in the Ordinance.

In the meantime, the Commission should work with the Lead Investigator and offer recommendations on how a public intake process can and should be formed. In the short term, this framework would serve the needs of the Investigation Unit in handling resident complaints of discrimination and harassment against City employees and services. In the long term, this framework could also serve the needs of the Human Rights Commission's third-party investigations.

Second, the Commission should review DEI implementation plans and related policies, and it should provide feedback on these plans and policies. Such feedback is invaluable to my administration, and my near-term vision is for the Commission to make recommendations in relation to:

- 1) The creation of a Worcester Equal Employment Opportunity Policy and a revision of the Affirmative Action Policy,
- 2) Pay equity for City of Worcester employees,
- 3) The creation of education materials on topics such as fair housing, workplace harassment prevention, and addressing implicit bias, and
- 4) Addressing reported patterns of discrimination and harassment against Worcester Public Library staff from members of the public, including residents who are unhoused, dealing with mental health issues, and/or substance abuse issues.

As we restructure and staff up the EODEI, my office will continue to provide the resources and strategic support necessary for the Commission to execute its related duties and responsibilities for all the City's Departments and subdivisions, and I am always happy to discuss any further questions you have.

### **C. Going Forward:**

I look forward to the Human Rights Commissions' continued success, particularly as Commissioners immediately begin to work diligently to implement my communicated vision and enforce the City's human rights policy. I am encouraged by our ongoing communication and regularly scheduled in-person meetings. My office and I remain a resource for you, and we are available for support as you prioritize the aforementioned long-term and short-term goals.

# Memo



**To:** Human Rights Commissioners

**From:** Ellen Shemitz and Elizabeth O'Callahan

**cc:** Victor Perez

**Date:** 11/7/23

**Re:** Summary of Meeting with City Manager

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On Friday October 20, 2023, HRC Leadership (Ellen Shemitz, Guillermo Creamer, Elizabeth O'Callahan) and staff (Victor Perez) had our regularly scheduled meeting with the City Manager (Eric Batista) and Assistant City Manager (Hung Nguyen). Also in attendance, at the request of the City Manager, was Assistant City Solicitor Janice Thompson, Esq.

Prior to the meeting, Attorney Perez had submitted a memo to the City Manager summarizing three motions approved by the HRC at its last meeting regarding ongoing information requested of the WPD with respect to hate crimes and professional misconduct complaints and information on civil rights settlements by the city (henceforth Perez 10/17/23 Memo). Also prior to the meeting, Attorney Perez was informed that the documents requested in the Memo had been submitted by the WPD to the City Solicitor for review prior to release to the HRC. The HRC Chair and Vice Chair had hoped to speak with the City Manager about expediting the legal review of those documents so as to enable the HRC to move forward in its work.

The City Manager opened the meeting by indicating that he would like to create a more structured process to manage requests for information from all boards and commissions, including the HRC. He stated that moving forward, all requests for records or other information made by the HRC must be put into writing, and that he would then issue a written decision as to whether to approve or deny the request with a rationale explaining the decision.

The HRC Chair asked the City Manager to explain why a request for records from the HRC might be denied. The Assistant City Solicitor replied, stating that the HRC might make a request that would be within the authority of the Commission as set forth in the City's Ordinance, but that was not in line with the City Manager's priorities. **The City Manager indicated that such was the case with the information requested in the Perez 10/17/23 Memo: while it was within the HRC authority to request those records, he was denying the request.**

The City Manager asked the HRC Chair about the “expected outcome” of the BOPS records request. The Chair explained that the Commission wanted to better understand the nature of the investigation into complaints of officer misconduct, the evidence considered, the standard of proof applied and the integrity of the proceedings. She explained that the HRC had limited its request for detailed records to the 12 sustained cases of officer misconduct in 2022, rather than requesting access in the first instance to the detailed records for the 31 unsubstantiated complaints. **The City Manager stated that while the requests were not outside the purview of the HRC, the HRC line of inquiry was not in line with his office’s priorities and he was denying access to all investigation reports for the 12 cases involving sustained allegations brought to POST’s attention in 2022.**

The HRC Chair then asked to discuss the HRC motion to access the WPD investigation reports into the 17 hate crime incidents that took place between 7/1/2022 and 6/30/2023. **The City Manager stated that he was concerned about why the HRC was investigating those incidents and that it was the “wrong direction” for the Commission. He directed the City Solicitor not to release those reports.**

The HRD Chair noted that the Commission had also requested more detailed information on the 13 civil rights complaints settled between FY 19 and FY23. **The City Manager stated that he was also denying HRC request for any further information on the civil rights settlements.**

The HRC Chair and Vice Chair both discussed the importance of reviewing these records to provide transparency, identify potential areas of concern, and enable the HRC to identify any potential areas for policy change as required by the city ordinance, as well as increasing public trust in the WPD complaint process. The City Manager questioned how many policy recommendations the Commission has ever made and questioned how the HRC could manage to review the requested records given its limited staffing and volunteer status.

The City Manager further urged the commission to focus on policy recommendations. The HRC Chair and Vice Chair affirmed the ongoing work of generating policy recommendations but clarified that policy recommendations must be data-driven.

The HRC Chair asked about accessing disaggregated Use of Force data which the WPD had indicated would only become available in another 18 months after transition to a new database system. The City Manager agreed to look into how burdensome it would be to provide access to that data through a manual record review rather than awaiting transition to a new automated system.

On the requests about disaggregated passage rates for the Civil Service exam, the City Manager expressed that he did not oppose the request, but believed the information needed to come from the state.

The City Manager confirmed that a written memo relaying the denials in writing with explanations of the denials would be submitted to the HRC prior to the next public meeting. The Vice Chair asked the City Manager that, given the public nature of the HRC’s work, and to avoid public confusion, the City Manager consider highlighting that WPD is not responsible for withholding the HRC’s requests.



The City of  
**WORCESTER**

**MEMORANDUM**

**TO:** Eric D. Batista, City Manager

**CC:** Hung Nguyen, Assistant City Manager

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

**DATE:** October 17, 2023

**RE:** The Human Rights Commission's Approved Motions Regarding Altered Information Requests for the Worcester Police Department and City Solicitor's Office

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**A. Background:**

On October 2, 2023, the Human Rights Commission (HRC) discussed the Worcester Police Department (WPD)'s responses to its information requests as communicated throughout the summer of 2023. The WPD had already submitted a majority of the requested information and documentation, including information related to legal settlements for civil rights cases between FY19 and FY23 and hate crimes investigated between July 1, 2022 and June 30, 2023.

Over the course of the meeting, the Chair noted that the hate crimes information did not identify whether the underlying matters were motivated by animus based on race, ethnicity, religion, or other protected classes; she suggested that the investigations documentation could provide clarity on the subject. Meanwhile, Commissioner Feldman indicated that he had lingering questions regarding the circumstances behind the settled cases and decisions to settle, in addition to the possible policy considerations.

I informed the HRC of the following developments. Following its request for copies of the WPD's 43 submissions to POST in 2022, including investigations documentation, the WPD forwarded the responsive documents to the City Solicitor's Office to ensure that they were properly redacted in accordance with any relevant legal standards. The City Solicitor's Office expressed that the proper review and redaction of these documents would pose an undue burden on its operations as the entire process would take approximately 4-6 hours for each file. The City Solicitor's Office offered to provide copies of the City's submissions to POST in 2022, including investigations documentation, for the 12 cases involving substantiated findings. They also offered to provide the forms submitted to POST for the 31 other cases from 2022 involving unsubstantiated findings.





# The City of **WORCESTER**

## **B. Approved Motions:**

In accordance with Article 15, Section 10(d)(5)&(6) of the City’s Revised Ordinance of 2015, which empowers the HRC to “review departmental policies” and “review departmental disciplinary actions,” and provide its “comments, conclusions and recommendations” to the City Manager to the extent the underlying documents being reviewed “relate to the human rights ordinance,” a quorum of the HRC approved the following motions. The HRC respectfully requests that:

1. the WPD provide copies of the full investigation reports for the 12 cases involving sustained allegations that were brought to POST’s attention in 2022, including for Officer J.M., and copies of the forms submitted to POST in 2022 for the remaining 31 or so cases involving unsubstantiated findings<sup>1</sup>;
2. the WPD provide copies of the investigation reports relevant to the 17 hate crime incidents that took place between July 1, 2022 and June 30, 2023 and which fell within the WPD’s jurisdiction; and
3. a representative from the City Solicitor’s Office attend an HRC meeting to help Commissioners understand the nature of the settlements for the 13 civil rights cases between FY19 and FY23, the process behind any decision to settle, and any potential policy considerations that the City Solicitor’s Office sees behind the settlements.

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<sup>1</sup> As part of the articulated motion, the Chair stated that the HRC may wish to eventually request the full reports for the 31 cases.