



The City of
Worcester

Human Rights Commission Annual Report

2020-2024

Dedication

The work of the Human Rights Commission would not be possible without the commitment of its volunteer commissioners and the long-time leadership of Attorney Jayna Turkchek who served as the Director of Human Rights for the City of Worcester from 2012 to 2023.

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Please note that hyperlinks are provided to minutes, on-line resources, and key documents wherever possible. These hyperlinks appear in a dark red underlined font.

Introduction

The Worcester Human Rights Commission exists to promote the human rights policy of the city¹ which provides as follows:

It is the policy of the city to assure that every individual shall have equal access to and benefit from all public services, accommodations, and employment opportunities, 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 of the city. It is clear that behavior which denies equal treatment to any of our citizens as a result of their race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, disability or source of income undermines civil order and deprives persons of the benefits of a free and open society. Nothing in this section shall be constructed as supporting or advocating any particular religious view or lifestyle. To the contrary, it is the intention of this section that all persons be treated fairly and equally, and it is the expressed intent of this ordinance to bring about the elimination of prejudice, intolerance, bigotry, discrimination, and the disorder occasioned thereby.²

The work of the Commission dates to 1968 with the establishment of the Advisory Human Rights Committee, with subsequent expansions of its duties, responsibilities and authority to fight discrimination and ensure equity. The City Ordinances detail the tools available to the Human Rights Commission including investigations of claims of denial of equal rights, review of departmental policies and disciplinary actions, and issuing reports and recommendations to minimize discrimination and to assure compliance with the city human rights policy.³ Through research, data analysis, presentations, community outreach, and partnerships, the Human Rights Commission has raised its voice on critical issues, sharing summaries of its initiatives in end of year reports which stopped temporarily during the COVID-19 shutdown and subsequent staffing changes. This document picks up the tradition of end of year reports, covering the past five calendar years, 2020-2024.

¹ Article 15, Section 10(a), Part Two, Organization of City Agencies of the Revised Ordinances of 2015 establishes the Human Rights Commission as follows: Under authority of Article Six of the Home Rule Charter and to promote the human rights policy of the city, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the 'Human Rights Commission.'"

² See Article 15, Section 6(c) of Part Two, Organization of City Agencies of the Revised Ordinances of 2015.

³ The duties and responsibilities of the Human Rights Commission listed in Subsection 10(d) of Article 15 of Part Two, Organization of City Agencies of the Revised Ordinances of 2015, include:

- Conducting investigations, holding hearings and/or mediation and issuing orders and reports to ensure compliance with the human rights policy of the city
- Reviewing departmental policies of any department, board, commission or agency and providing comments, conclusions and recommendations to ensure compliance with the human rights policy of the city
- Reviewing departmental disciplinary actions, including reports of the internal affairs division of the police department, and providing comments, conclusions and recommendations to ensure compliance with the human rights policy of the city
- Issuing publications and providing comments, conclusions and recommendations to ensure compliance with the human rights policy of the city

Areas of Focus

This annual report covers a period of time remarkable for both its challenge and promise.

It has been a time of challenge, as the city together with the rest of the nation has reeled in the wake of the murder of George Floyd and begun to face the long overdue reckoning with structural racism.

It has been a time of promise, as city leaders have acknowledged the harm caused by entrenched power imbalances and committed to internal assessment and structural change.

It has been a time of frustration as the pace of change has not always met community expectation.

Over these five years, as city leaders and residents have contended with sweeping social and economic hardships fueled by COVID-19, the opioid epidemic and inadequate supply of affordable housing, the Human Rights Commission has sought to balance its broad charge with the need for focus to drive meaningful change.

Across four different chairs of the Commission, three areas of concentration have emerged:

- Police Oversight,
- Civil Rights, Diversity Equity and Inclusion,⁴
- Affordable Housing and Homelessness.

In addition to these three areas of focus, the Human Rights Commission has maintained flexibility to consider emerging issues to meet community need: issues which have been grouped in the fourth section of the following summary.

⁴ The HRC's work around civil rights expanded in 2023 to encompass matters of diversity, equity and inclusion upon the disbandment of the Diversity Inclusion Advisory Commission and the creation of the Executive Office of Diversity, Equity and Inclusion. See [Memo from City Solicitor to City Manager re: reorganization \(February 7, 2023\)](#).

Police Oversight

Police oversight has been a central part of the work of the Human Rights Commission since its very inception. Beginning ten years ago, this oversight has included review of the Bureau of Professional Standards (BOPS) Annual Report. With each passing year, the Human Rights Commission has expanded the scope of the data requested from the WPD to include quantitative and qualitative information concerning:

- WPD officer demographics and recruitment efforts,
- Officer training requirements and curricula,
- Disaggregated data on complaints of officer misconduct,⁵
- Hate crime statistics,
- Use of force statistics,
- Motor vehicle and pedestrian citations,
- Human trafficking and sexual exploitation.

Detailed minutes of all HRC meetings with WPD leadership can be found online.⁶

In addition to this annual oversight role, the HRC has also conducted special initiatives including:

- Conducting listening sessions in each City Council District in 2021 to engage the public in conversations about the introduction of Body Worn Cameras to the WPD.⁷ These sessions incorporated expert presentations and public comment/questions, resulting in a summary report to the City Manager.⁸
- Conducting a review and analysis of the Racial Equity Audit of the Worcester Police Department, including cross-references to prior HRC recommendations for changes to department policy and practice which align with those set forth in the Audit.⁹
- Providing detailed recommendations for changes to the WPD Policy Review Committee, with a focus on the Use of Force, Limited English Proficiency and Juvenile Arrests policies.¹⁰

Appendix A of this report provides information on where the public can access the data provided to the HRC by the Worcester Police Department.

Appendix B of this report provides a detailed listing of the requests and recommendations issued by the Human Rights Commission. In light of the recent release of the Department of Justice Report on its investigation of the Worcester Police Department, it is important to highlight that **longstanding recommendations by the Human Rights Commission have touched**

⁵ Note that after requests by the HRC, the WPD added an option to self-identify ethnicity/race to its citizen complaint form (as of July 2018).

⁶ Minutes of the meetings concerning the BOPS reports can be accessed online for each of the following dates: [9/14/20](#), [12/7/20](#), [5/10/21](#), [6/13/22](#), [7/11/22](#), [10/3/22](#), [7/10/23](#), [8/7/23](#), [9/11/23](#), and [5/6/24](#).

⁷ The HRC minutes from July of 2021 include a presentation made to the HRC on the WPD body worn camera pilot. Minutes of the district listening sessions are available on-line for the following dates: [8/23/21](#), [9/13/21](#), [9/27/21](#), [10/4/21](#), [10/18/21](#).

⁸ The [Body Camera report](#) can be accessed through the city website.

⁹ The full [HRC analysis and presentation](#) on the Racial Equity Audit can be accessed through the city website.

¹⁰ While the WPD has rejected all of the recommended changes to its Use of Force and Juvenile Arrest policies, it has adopted many of the changes requested concerning interactions with LEP individuals.

upon many of the same areas of concerns as those identified by the DOJ, with calls for change in the areas of: police misconduct investigations and reporting;¹¹ use of force policy and reporting; traffic and pedestrian stops, citations and reporting; juvenile arrest policy and reporting; police training; and citizen oversight.¹²

Critical recommendations include the following:

1 Increase both transparency and accountability for police misconduct by (a) improving data collection and reporting, (b) creating policies to enable citizens to file complaints about officer misconduct to investigator(s) outside of the WPD, (c) sharing BOPS investigatory files with the HRC (as required by city ordinance) to assure regular review and oversight, and (d) creating a citizen review body (as also recommended in the Racial Equity Audit).

2 Address concerns about implicit bias and discrimination in specific areas of policing including use of force, motor vehicle and pedestrian stops, juvenile arrests, and vice arrests by (a) increasing data collection and reporting all such data on a regular basis disaggregated by race, gender, ethnicity, age and zip code/location, (b) increasing diversity of the police force so that its demographics reflect those of the city it serves, and (c) improving both training and supervision.

3 Update police training and policies to assure (a) trauma informed policing that takes into account the totality of the circumstances (including language, cognitive and/or environmental factors), (b) real time language assistance in all police-public interactions and (c) age-based protections for all juvenile arrests and police-juvenile interactions.

¹¹ The HRC has sought to obtain records to assess the adequacy and fairness of the police misconduct review process, seeking to review investigatory records to assess compliance with the human rights ordinance of the city. Given its inability to obtain access to these records through the process outlined in the City Ordinances, it has sought and obtained legal counsel.

¹² The HRC has long stressed the importance of making real the promise of structural change that dates back to February of 2021 when the City Manager announced not only the commitment to a racial equity audit of the WPD but also a commitment to the creation of a Chief's Equity Advisory Council comprised of community members to serve as an implementation working group for the findings and recommendations of the audit (link to City Manager report [here](#)). In November of this year, the Human Rights Commission sent a report to both the City Manager and the City Council calling (yet again) for a community police misconduct review board. That report is included as a part of Appendix F.

Civil Rights, Diversity Equity and Inclusion

The Human Rights Commission exists to protect the civil rights of all persons in the City of Worcester and to identify and make recommendations for change to eliminate the presence in the city of prejudice, intolerance, bigotry and discrimination whether such discrimination be based on race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income.

Over the past five years, highlights of our work in this area include:

- 1** Meetings with leaders of indigenous peoples resulting in a series of recommendations that the City of Worcester recognize and honor ancestral homelands: work which ultimately resulted in a permanent plaque honoring the Nipmuc Nation in front of City Hall.
- 2** Identification of concerns over the requirement that only registered voters could participate on city boards and commissions, noting the barrier this posed to residents lacking United States citizenship. The City now permits all residents to participate in this important form of civic engagement.¹³
- 3** Issuing numerous recommendations to make real the promise made In February of 2021 of the creation of a Division of Investigations within the Office of the City Manager to address both employee and resident complaints of violations of their civil rights.¹⁴ Over the last year, this work has also included a call to provide the staffing and support necessary to enable the Human Rights Commission to hear residents' complaints of violations of their civil rights.

A full listing of HRC recommendations concerning civil rights and DEI matters is provided in Appendix C.

¹³ The HRC began its work to change the voter registration requirement for applicants to boards and commissioners as early as 2017, culminating in its successful work in 2020-21.

¹⁴ On February 23, 2021, the City Manager issued [a report to the City Council](#) listing a series of actions to be taken by the city to address structural and institutional racism.

Affordable Housing and Homelessness

Worcester faces a homelessness crisis, fueled in part by the dire shortage of affordable housing. The HRC has held regular meetings on these issues, meeting with staff from the HHS Office of Homeless Outreach,¹⁵ the Worcester Fair Housing Project,¹⁶ the Commissioner of Health and Human Services,¹⁷ and the Commissioner of Emergency Communications and Management.¹⁸

Over the past five years, highlights of our work in this area include:

- 1** Recommendations to expand services available to support the unhoused, including a day resource center, year-round climate controlled shelters, expanded non-congregate shelter options and a comprehensive regional plan.
- 2** Recommendations to increase affordable and safe housing, including changes to local zoning ordinances, increased development set asides and support for a robust rental registry.

A full listing of HRC recommendations that touch on affordable housing and meeting the needs of the unhoused can be found in Appendix D.

Other

The broad mission of the Human Rights Commission extends well beyond the core issues listed above. The Commission works hard to balance its understanding that change requires concerted and focused efforts with its commitment to raising the visibility of issues critical to protecting civil rights. It has held meetings and made recommendations in numerous areas including health equity, digital equity, voter engagement¹⁹ and consumer protection.²⁰ **A listing of HRC recommendations in these diverse areas, as well as a listing of endorsements of legislation, are included in Appendix E.**

¹⁵ See minutes of meetings on [January 2020](#), [February 2021](#), [December 2021](#), [January 2023](#), [December 2023](#), and [November 2024](#).

¹⁶ See minutes of meetings on [February 2020](#), [April 2021](#), [May 2022](#), and [April 2023](#).

¹⁷ See minutes of meetings on [August 2020](#), [August 2022](#), and [January 2024](#).

¹⁸ See minutes of meetings on [August 2022](#), [March 2024](#).

¹⁹ The HRC has engaged in regular conversations with the city clerk and others on increasing voter turnout (see Minutes from [August of 2020](#), [September of 2022](#), [December of 2022](#) and [June of 2023](#)).

²⁰ Until the reorganization occasioned by the creation of the Executive Office of Diversity Equity and Inclusion, the Director of Human Rights managed the Worcester Consumer Rights Program. The HRC met with staff from that program in March of [2020](#), [2021](#), and [2023](#).

Human Rights Commission Membership

Over the past five years, the Human Rights Commission has been led by three different Chairs and two Vice-Chairs, with dedicated service from diverse residents.

2020

Aaron Richman, Chair
Jacqueline Yang, Vice Chair
Elizabeth O'Callahan, Clerk
Lilian Chukwurah
Latoya Lewis
Lauren De Oliveira
Deidre Padgett
Edward G. Robinson

2021

Jacqueline Yang, Chair
Elizabeth O'Callahan, Vice-Chair
Lilian Chukwurah
Guillermo Creamer Jr.
Latoya Lewis
Jorge Lopez-Alvarez (beginning July)
Lauren De Oliveira (through August)
Deidre Padgett
Aaron Richman (through April)
Edward G. Robinson

2022

Jacqueline Yang, Chair to May
Guillermo Creamer Jr., Elected Chair May
Elizabeth O'Callahan, Vice-Chair
Lilian Chukwurah (through April)
Charles Hopkins
Latoya Lewis
Jorge Lopez-Alvarez
Jamaine Ortiz (beginning May)
Edward G. Robinson
Ellen Shemitz

2023

Guillermo Creamer Jr., Chair to April
Ellen Shemitz, Elected Chair April
Elizabeth O'Callahan, Vice-Chair
Robert Bilotta (beginning August)
Randy Feldman (beginning August)
Charles Hopkins
Latoya Lewis (through September)
Jorge Lopez-Alvarez (through March)
Jamaine Ortiz
Bernard Reese (beginning June)
Edward G. Robinson (through May)
Jacqueline Yang

2024

Ellen Shemitz, Chair
Elizabeth O'Callahan, Vice-Chair
Robert Bilotta
Guillermo Creamer Jr.
Randy Feldman
Charles Hopkins (through November)
Jamaine Ortiz (through April)
Bernard Reese
Drew Schnoebelen (beginning December)
Jacqueline Yang

Appendix A: Worcester Police Department Data

Data presented by the Worcester Police Department is included with the minutes of relevant meetings. To make this data more easily accessible, the listing below indicates what types of information can be found in which meeting minutes, either embedded as responses to questions captured by the minutes, provided through links contained in the minutes, or provided as pdf attachment to the same.

[September 2020 Minutes](#) include summary of 2019 BOPS Data and Hate Crime Data as well as a presentation on Body Worn Camera Pilot.

[December 2020 Minutes](#) include WPD responses to supplemental questions submitted by the HRC concerning officer misconduct complaints.

[May 2021 Minutes](#) include WPD responses to HRC questions including data on prostitution and related arrests as well as BOPS data.

[June 2022 Minutes](#) include BOPS 2021 Annual Report, 2021 Hate Crime Report, WPD responses to HRC questions and a proposal for Unmanned Aircraft System Program.

[July 2022 Minutes](#) include WPD responses to additional written questions, together with a listing of MA CIT curriculum and a listing/description of DMH CIT components.

[July 2023 Minutes](#) include BOPS 2022 Annual Report, WPD responses to written questions (including information on recruitment, community outreach, implicit bias training, of CIT curriculum, MPTC in-service training modules and WPD Drone Policy).

[August 2023 Minutes](#) include BOPS Annual Reports for 2019, 2020, 2021 and 2022.

[September 2023 Minutes](#) include WPD supplemental answers to HRC questions, use of force data from 2021-2023, and electronic use of force reports for 2021-2022.

[May 2024 Minutes](#) include: WPD written responses to HRC questions, BOPS 2023 Annual Report, WPD recruit demographics, WPD officer demographics by rank, citation data with demographics, tactical analysis reports, use of force data, MPTC trauma informed syllabus and curriculum, MPTC training on officer response to interpersonal violence curriculum, civil service exam passage rates.

[June 2024 Minutes](#) include corrected BOPS data (with updated use of force section) and WPD written response to questions about interactions with individuals living in encampments.

[August 2024 Minutes](#) include WPD data on Shot Spotter activations

Appendix B: HRC Statements, Requests and Recommendations Concerning Worcester Police Department

This Appendix lists all motions, requests and recommendations made by the Human Rights Commission from January 2020 to the present relating to the Worcester Police Department. The list groups these motions into several categories, as follows:

- Data and Accountability
- Civil Rights, Diversity, Equity and Inclusion
- Emergency Mental Health and Trauma Informed Policing
- Use of Force Policy
- Limited English Proficiency and Language Access Policy
- Juvenile Arrest Policy

DATA AND ACCOUNTABILITY

Request for supplemental data on officer misconduct complaints, with information to include the percentage of officers against whom complaints had been filed, the average number of complaints per officer for those officers against whom complaints had been filed, the highest number of complaints filed against any one officer together with a comparison of the Worcester data with data from comparably sized cities. ([See Minutes, September 14, 2020](#))

Request for a written report from the WPD to the HRC detailing surveillance technologies currently in use within the Worcester Police Department, the purpose and scope of those surveillance technologies, information on storage of data from those technologies (how/what/how long), information on data protection and data sharing, and identification of any and all policies and procedures to mitigate the potential adverse impact of the use/sharing of such technologies. ([See Minutes, September 14, 2020](#))

Request for additional data from the WPD on persons arrested for prostitution or solicitation, with such data disaggregated by race. ([See Minutes, March 1, 2021](#))

Request that the WPD track and provide data on all prostitution stings, including the annual frequency of such stings, date, location, the precipitating complaint, the underlying rationale and the outcomes. ([See Minutes, May 10, 2021](#))

Request for status report on the creation of a Division of Investigations within the Human Resources Department (as set forth in the February 2021 Executive Order), including (a) a statement of the Division's duties and responsibilities, (b) explanations of how the Division will work with the WPD Bureau of Professional Standards on complaints and training oversight, (c) an explanation as to how the Division will work with public complaints regarding city employees and (d) a specification of when and where the public will be able to access this information on the city webpage. (Originally passed [April 4, 2022](#))(requested again during meeting with Chief Human Resources Officer at [June 13, 2022](#) meeting)(motion to resubmit request for status report passed on [February 6, 2023](#)- with additional request that the City of Worcester website include information on how members of the public could submit a complaint).

Request for data on motor vehicle stops by WPD, with breakdown of stops and citations by race/gender/age, by department, by location (zip code or specific intersections), together with information on the highest number of stops and citations by a particular officer versus the average. Request asked that this data be shared with the commission on a semi-annual basis with assistance from the Worcester Research Bureau if needed to assist with data analysis. ([Originally requested July 11, 2022](#))(resubmitted [February 6, 2023](#))(motion to renew request [July 11, 2023](#))

Request that the City Manager work with the WPD to expedite new software to ensure that use of force data, including demographic data on the persons involved, be made available in a disaggregated way to inform WPD policies and practices. ([See Minutes, September 11, 2023](#)) ([See also Minutes, October 2, 2023](#)). A related request asked the City Manager to work with the WPD to provide more information on the planned changes to its data system, with such information to include: the name of its current data system, the name of the new system, whether the city has approved procurement of the new system, and the target date for implementation. ([See Minutes, August 26, 2024](#))

Request that the WPD provide a list of units that are exempt from wearing body cameras ([See Minutes, October 3, 2022](#))

Request for additional information on the 13 civil rights cases involving the WPD which the city settled between FY 19 and FY 23 (with specific interest in policy changes recommended and/or adopted in response to such cases). ([See Minutes, October 2, 2023](#))

Request for the WPD to provide the full investigation reports for the 12 officer misconduct cases involving sustained allegations that were brought to POST's attention in 2022, and copies of the forms submitted to POST in 2022 for the remaining 31 or so cases involving unsubstantiated findings. ([See Minutes, October 2, 2023](#)). Subsequent motion passed asking the City Manager to explain refusal to release this information in contravention of the city ordinance ([See Minutes, November 13, 2023](#)). That request was renewed and expanded the following year to include all internal disciplinary reports for BOPS investigations in FY 2023 and FY 2024 for all matters alleging 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, and handling prisoners. ([See Minutes, June 24, 2024](#)) That request was renewed again on [August 26, 2024](#). At the [October 28, 2024](#) meeting, the Commission voted to retain counsel to assist in gaining access to these records.

Request that the WPD provide copies of the investigation reports related to the 17 hate crime incidents that took place between July 1, 2022 and June 30, 2023 which fell within the WPD's jurisdiction. ([See Minutes, October 2, 2023](#)) Subsequent motion passed asking the City Manager to explain refusal to release this information in contravention of the city ordinance ([See Minutes, November 13, 2023](#))

Request that the Worcester Police Department place a link to POST decertification and disciplinary information on their Website. ([See Minutes, February 26, 2024](#))

Request that WPD provide information on the passage rate for the 2022 Police Service Exam, broken down by race and gender ([See Minutes, October 3, 2022](#))(resubmitted [November 6, 2023](#))

Request that the City Manager work with the WPD to add “homeless encampment” as a public complaint option for the purposes of data collection. ([See Minutes, May 6, 2024](#))

Recommendation that the WPD prioritize data collection to ensure more thorough analysis of racial disparities in use of force, traffic stops, pedestrian stop data. ([See Minutes, June 24, 2024](#))

Request that the City Manager work with the Human Right Commission to ensure more transparency and confidence in the WPD complaint process. ([See Minutes, June 24, 2024](#)).

Request that City Manager direct the WPD to provide the disaggregated data on recruit background checks for the prior year by doing a manual review of the records to ensure that this highly discretionary process does not reflect any implicit bias (See Minutes, [August 26, 2024](#)).

CIVIL RIGHTS, DIVERSITY, EQUITY AND INCLUSION

Endorsement of the 12-point Board of Health Recommendations to the WPD to eliminate racism and to mitigate the potential for police brutality, including the creation of a community police misconduct review board comprised of residents of the city of Worcester with at least 50% of its members from African-American, Latino, Asian and Native American communities. ([See Minutes, August 17, 2020](#)).

Recommendation that the WPD conduct an anonymous survey of officers asking if they have experienced racism at work or outside of work. ([See Minutes, September 14, 2020](#))

Recommendation that the WPD review its process for victims of domestic and/or sexual violence to obtain an unredacted copy of their police report, with the goal of diminishing barriers such as the requirement of submission of a notarized letter. Further recommendation that the WPD add information to its website indicating how victims of domestic and/or sexual violence could access unredacted copies of police reports. ([See Minutes, December 7, 2020](#)). This request that the WPD review its policy was followed by a recommendation that it amend that its policy concerning requests by victims of sexual violence for unredacted copies of police, specifically that it change its then current policy requiring victims to submit a notarized letter requesting a copy of the unredacted report and expand the option to allow victims to request the report in person at the police department upon the presentation of a government ID. ([See Minutes, June 13, 2022](#))

Endorsement of the Model Massachusetts Bill to Strengthen Justice and Support for Sex Trade Survivors. ([See Minutes, April 26, 2021](#))

Request for information on the WPD RITE program (that is Racial Intelligence Training and Engagement), with a request for information on the following specific questions: Did every WPD officer attend the RITE training? If not, what is the plan to ensure every officer attends the training? What key lessons were learned? How are those lessons being integrated into officers' everyday training? How has operational policy and/or practice been changed based on the training? What was the cost of the training? ([See Minutes, December 6, 2021](#))

Request creation of link to the LGBTQ liaison on the WPD website ([See Minutes, October 3, 2022](#))(resubmitted [February 6, 2023](#))

Request that WPD provide information on the passage rate for the 2022 Police Service Exam, broken down by race and gender ([See Minutes, October 3, 2022](#))(resubmitted [November 6, 2023](#))

Recommendation that the city create a robust DEI plan for the WPD, including an amended recruitment policy to articulate and effectuate its intent to create a more diverse workforce. ([See Minutes, May 6, 2024](#))

Recommendation that the city remove the WPD from civil service. ([See Minutes, May 6, 2024](#))

Recommendation that the City Manager and the WPD endorse and adopt the 34 findings and associated recommendations of the WPD Racial Equity Report ([See Minutes, June 24, 2024](#))([Note that a comprehensive analysis of the Racial Equity Audit is available online](#)).

Request that the City Manager work with the Human Right Commission to ensure more transparency and confidence in the WPD complaint process. ([See Minutes, June 24, 2024](#))

Recommendation that the WPD develop a formal plan to improve community engagement with the department, including: the creation of a Citizen's Advisory Council, and the revision of its social media policy to advance its commitment to an inclusive department and community ([See Minutes, June 24, 2024](#)). A further request and recommendation that the city prioritize the creation of a civilian oversight board for the WPD was shared with both the City Manager and the City Council after a motion passed on [October 28, 2024](#).

EMERGENCY MENTAL HEALTH AND TRAUMA INFORMED POLICING

Recommendation that the WPD conduct a review and update of its emergency mental health procedures policy and that community input be solicited. ([See Minutes, December 7, 2020](#))

Request that the WPD provide information on its policy concerning trauma informed policing and its policies and/or strategies to ensure that police interactions do not further traumatize victims. ([See Minutes, March 1, 2021](#))

USE OF FORCE POLICY

Recommendation that the WPD review its Use of Force policy and revise it to conform with best practices,²¹ including:

- (1) a clear statement on the need for a focus on preserving human life and dignity (sample language provided)²² and increased emphasis on the importance of de-escalation (sample policies referenced)²³;
- (2) the incorporation of protections around use for force for individuals with LEP and individuals with cognitive deficits and/or language processing delays as well as those experiencing a traumatic event or having an altered mental status;
- (3) the incorporation of an operational definition of the phrase “totality of the circumstances” (a phrase used in the policy many times), including language referencing the need to take into consideration individual and environmental factors such as medical conditions, disability, status as a minor, environmental safety, and psychological trauma;
- (4) the requirement of collecting and posting disaggregated data on the use of force including data on officer and subject race, gender, age, and ethnicity (with specific cross-reference to the recommendations of the Racial Equity Audit of the WPD);
- (5) the inclusion of the explicit statement that “deadly force may not be used solely to prevent the escape of a fleeing suspect”(as included in the [Updated Use of Force Policy of the Department of Justice](#));
- (6) the requirement of annual use of force training (sample language provided)²⁴; and
- (7) the requirement that debriefing after a use of force incident include a recommendation for a consultation with a mental health professional.

([See Minutes, March 24, 2024](#))

This recommendation was resubmitted to the City Manager by motion at meeting of [May 6, 2024](#) and again on [June 24, 2024](#). Finally, after the WPD informed the Commission that it would not incorporate any of the suggested changes to its use of force policy, the Commission notified the City Manager of its concerns and requested that the City Manager work directly with the WPD to incorporate the requested changes so that the concerns identified in the Racial Equity Audit would be addressed and result in real and meaningful change. ([See Minutes, August 26, 2024](#)) That request and recommendation was renewed on [October 28, 2024](#).

²¹ The HRC provided links to three model policies: the [IACP National Consensus Policy and Discussion Paper on Use of Force](#), the [Department of Justice Updated Use of Force Policy](#) and the [Town of Needham, MA Use of Force Policy](#).

²² The HRC referenced the language provided in the policy section of the [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.”

²³ The HRC requested incorporation of the full section on de-escalation from the [Town of Needham, MA, Use of Force Policy](#) (de-escalation language at pages 3-4).

²⁴ The HRC requested adoption of language similar to that of the [National Consensus Use of Force Policy](#) (training language at page 4).

LIMITED ENGLISH PROFICIENCY AND LANGUAGE ACCESS POLICY

Recommendation that the WPD reexamine its LEP policies to assure access to language services translation services in real time when interacting with the public, together with request that the WPD determine if its existing equipment allows such access and, if not, what the cost would be to assure every officer could access the services already contracted for by the city ([See Minutes, July 10, 2023](#))

Recommendation that the City Manager to work with WPD to develop a specific policy to ensure there is access to language assistance for all members of the public, inclusive of those who speak English as a second language, use ASL, or use other forms of communication such as augmented communication devices, and that the policy include best practices and trainings for officers. ([See Minutes, September 11, 2023](#))

Recommendation that the WPD review its Limited English Proficiency (LEP) policy and revise it to conform with best practices,²⁵ including the following specific changes:

- (1) the inclusion of language that 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;
- (2) the requirement that interpretation is conducted by trained staff who have taken a standardized test (and the inclusion of this requirement as a part of the definition of the term “competent bilingual staff” to assure an adequate level of bilingual competency);
- (3) the requirement of training of all staff in LEP and use of interpreter policies, including anti-bias training;
- (4) the prohibition of resort to third-party interpreters, absent exigent circumstances;
- (5) the issuance of cell phones or other electronic devices to assure all officers on the road can access interpreter services in real time;
- (6) the expansion of the listing of vital documents to assure language assistance services on documents including traffic forms and citations;
- (7) the requirement of the collection and tracking of data on use of LEP services with such data to be made publicly available on a regular basis; and
- (8) the requirement of the creation of an LEP committee, to include both members of the WPD and community stakeholders.

[See Minutes, March 24, 2024](#) and [Minutes of May 6, 2024](#). Note that the HRC requested that the WPD provide feedback on its acceptance/rejection of the requested changes at its meeting on [June 24, 2024](#).

²⁵ The HRC referenced and provided a link to the model policy of the [Denver Police Department](#).

JUVENILE ARREST POLICY

Recommendation that the WPD review its Juvenile Arrest policy and revise it to conform with best practices, including:

- (1) the addition of specific policies establishing a preference for juvenile diversion programs over arrest;
- (2) the addition of policies to protect juvenile privacy;
- (3) the requirement of collecting and posting disaggregated data on juvenile arrests, to include place of residence, age, race, gender, and ethnicity;
- (4) the requirement of the use of the least restrictive means of restraint in all juvenile arrests; and
- (5) the creation of age-based limitations on the use of force. (March 24, 2024).

This recommendation was renewed by motion on June 24, 2024 with a further request that the WPD adopt the model policies created by Strategies for Youth (with links provided to all 12 model policies).²⁶

Finally, after the WPD informed the Commission that it would not incorporate any of its suggested changes to the juvenile arrest policy, the Commission notified the City Manager of its concerns and requested that the City Manager work directly with the WPD to incorporate the requested changes so that the concerns identified in the Racial Equity Audit would be addressed and result in real and meaningful change. ([See Minutes, August 26, 2024](#)) That request and recommendation was renewed on [October 28, 2024](#).

²⁶ See [12 Model Law Enforcement Policies for Youth Interaction](#)

Appendix C: HRC Statements, Requests and Recommendations Concerning Civil Rights, Diversity, Equity and Inclusion

Public release of statement condemning the violence that resulted in the death of George Floyd at the end of Minneapolis police, condemning all previous acts of racist violence, and standing in solidarity with those calling for a just response and the dismantlement of racism in all forms. Initially released to the public on June 1, 2020, this statement was read into the record at the August meeting of the HRC. (See [Minutes, August 17, 2020](#)).

Recommendation that the City of Worcester include a land acknowledgement to honor ancestral homelands in all groundbreaking ceremonies. (See [Minutes, October 5, 2020](#)).

Recommendation that the Worcester City Council support legislation at the state level calling for creation of a special commission to study and consider changes to the seal and motto of the commonwealth to address the concerns of indigenous peoples. (HB 2776 Senate 1877, Resolve Providing for the Creation of a Special Commission Relative to the Seal and Motto of the Commonwealth)(See [Minutes, October 5, 2020](#)).

Recommendation that the City of Worcester (a) install a flagpole at City Hall for the permanent display of the Nipmuc flag and (b) install a plaque/marker with input from the Nipmuc tribe at a site on the Worcester City Common to commemorate the history of the location as a previous burial site for the Nipmuc Nation. This recommendation included a request that, until the City installed a permanent flagpole for the Nipmuc flag, that the flag be flown on the flagpole reserved for cultural civil observances. (See [Minutes, November 2, 2020](#))

Recommendation that the City of Worcester revise the requirements for volunteering on city boards and commissions to remove the requirement of voter registration which resulted in denying residents lacking United States citizenship from participating in an important part of the city's civic life. (See [Minutes, November 2, 2020](#))

Request for status report on the creation of a Division of Investigations within the Human Resources Department (as set forth in the February 2021 Executive Order), including (a) a statement of the Division's duties and responsibilities, (b) explanations of how the Division will work with the WPD Bureau of Professional Standards on complaints and training oversight, (c) an explanation as to how the Division will work with public complaints regarding city employees and (d) a specification of when and where the public will be able to access this information on the city webpage (Originally passed [April 4, 2022](#))(requested again during meeting with Chief Human Resources Officer at [June 13, 2022](#) meeting)(motion to resubmit request for status report passed on [February 6, 2023](#)- with additional request that the City of Worcester website include information on how members of the public could submit a complaint).

Recommendation that the City Manager prioritize the hiring of a Director of Human Rights and a second investigator to expedite the creation of a public grievance process for civil rights complaints. ([See Minutes, December 4, 2023](#))

Request that the City Manager direct the staff of the Executive Office of Diversity, Equity and Inclusion to prioritize setting up a complaint process for the public for violations of the city human rights policy, including creating policies and procedures for the HRC to conduct investigations and hearings. ([See Minutes, August 26, 2024](#))

Recommendation that the city revise its cultural flag program to clarify that the flying of flags constitutes government speech, to create a list of federal, state, and local holidays and events that the city will recognize by flying a flag, and to create a process whereby residents may request that non-listed holidays/events be recognized by flying a flag- with the decision to do so at the discretion of the city as an extension of its official speech. ([See Minutes, August 26, 2024](#))

Request that the City Manager join the Human Rights Commission in issuing a statement condemning the recent incident involving racist graffiti at a school in Worcester and denouncing all acts of hate speech. (See [Minutes, November 25, 2024](#))

Appendix D: HRC Statements, Requests and Recommendations Concerning Affordable Housing and Homelessness

Recommendation that the City Manager work with his administration to review and amend zoning ordinances to include affirmatively furthering fair housing requirements (which mandate consideration of the impact of projects on area residents historically discriminated against). ([See Minutes, February 6, 2023](#))

Recommendation that the city create an emergency taskforce in partnership with surrounding towns to help formulate a comprehensive plan on homelessness and specifically to address the short-term crisis. ([See Minutes, December 4, 2023](#))

Recommendation that the city prioritize year-round climate-controlled shelters. ([See Minutes, December 4, 2023](#))

Recommendation that the City Manager explore options for a day resource center in the city. ([See Minutes, December 4, 2023](#)). That request was renewed on September 23, 2024, with the additional request that the City Manager provide a timeline for the opening of a Day Center and identify any barriers impeding an opening. ([See Minutes, September, 23, 2024](#))

Recommendation that the city explore non-congregate shelter options and expand its capacity for housing the homeless. ([See Minutes, December 4, 2023](#))

Recommendation that the City Manager establish a new program (possibly within the Department of Health and Human Services) focused on connecting Worcester residents with volunteer opportunities that would allow them to better understand, interact with, and support the unhoused in the community, including the creation of a program coordinator position to staff that program. ([See Minutes, January 22, 2024](#))

Recommendation that the Emergency Communications and Management Department conduct outreach to 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. ([See Minutes, March 25, 2024](#))

Recommendation that the Emergency Communications and Management Department conduct outreach to all public schools to provide information on the availability of, and ways to access, emergency heating and cooling centers. ([See Minutes, March 25, 2024](#))

Statement of support for the call of the Worcester Board of Health for the creation of a safe injection site in the City of Worcester and request that the City Manager takes steps to create a new policy in support of the same. ([See Minutes, March 25, 2024](#))

Recommendation that the public complaint form used by the WPD be expanded to include the specification of “homeless encampment” to enhance the ability to capture data on the

frequency, location, response and disposition of such complaints. ([See Minutes, May 6, 2024](#))

Request that the City Manager prioritize finding affordable housing for residents displaced by the Washington Heights fire, and that those efforts include outreach to the developers/owners of the new Kelly Square lofts to request they consider giving those displaced by the fire priority for any available affordable units. ([See Minutes, July 22, 2024](#))

Recommendation that the recently adopted rental registry be revised and adopted without exclusions to ensure property inspections for any and all rental properties. ([See Minutes, July 22, 2024](#))

Request that the City Manager take action to increase the development of affordable housing within the City of Worcester, with such action to include working with private developers, local legislative representatives as well as state agencies to leverage public and private resources and negotiations to increase the project set aside to 15% for low income and affordable units. ([See Minutes, September 23, 2024](#))

Request that the City Manager provide the Human Rights Commission with an outline of prospective projects for creating more subsidized or affordable units and that the City Manager develop a list of government owned property and lots (including vacant or abandoned property) that could be developed into subsidized affordable housing. ([See Minutes, September 23, 2024](#))

Appendix E: Additional HRC Requests and Recommendations

HEALTH EQUITY

Recognition and vote to send letter of congratulations to the Kennedy Health Center on their 100% score on the 2019 Healthcare Equality Index, a benchmarking tool that evaluates healthcare facilities' policies and practices related to the equity and inclusion of their LGBTQ patients, visitors and employees. ([See Minutes, February 3, 2020](#)) Followed by request at the following meeting to have the Director of Human Rights conduct outreach to the CEOs of local healthcare facilities to increase awareness of the Healthcare Equality Index. ([See Minutes, March 9, 2020](#))

Statement of support for the call of the Worcester Board of Health for the creation of a safe injection site in the City of Worcester and request that the City Manager takes steps to create a new policy in support of the same. ([See Minutes, March 25, 2024](#))

Statement of support for the efforts of the Department Transportation and Mobility to address the road safety and traffic violence crisis in the city, including the ongoing actions under the Vision Zero and Complete Streets prioritization plan to create roadways that promote safety and equal access. ([See Minutes, August 26, 2024](#))

DIGITAL EQUITY

Recommendation to the City Council, through the City Manager, to negotiate in the next cable/broadband contract a provision that caps the cost of broadband for households eligible for ACP (a federal program that provides credit to help with costs of broadband) at the total cost of the allotted federal funding available to that household. ([See Minutes, October 3, 2022](#))

Recommendation that any new large construction be required to have a public access wi-fi access point. ([See Minutes, October 3, 2022](#))

HRC OPERATIONS

Recommendation that the city post all Executive Orders on the City of Worcester website ([See Minutes, April 4, 2022](#))(motion to request for status report on this recommendation passed [February 6, 2023](#))

Request that the City Manager address the long-term lapse in appointment to an empty seat on the Human Rights Commission. (See [Minutes, November 25, 2024](#))

ENDORSEMENT OF RESOLUTIONS AND PROPOSED LEGISLATION

Recommendation that the City of Worcester sign onto a resolution advanced by the Center for Nonviolent Solutions calling for safer nuclear policies. ([See Minutes, February 7, 2022](#))

Statement of support for resolution to deprioritize law enforcement for Entheogenic plants and fungi. ([See Minutes, April 4, 2022](#))

Statement of support for Empower Act (to lower voting act in municipalities to age 16 and use ranked choice voting for local elections) and request that the City Manager share information on the same with the School Committee and Administration. ([See Minutes, September 12, 2022](#))

Statement of support for legislation to Strengthen Justice and Support for Sex Trade Survivors. ([See Minutes, May 1, 2023](#))

Statement of support for legislation to advance water access equity through utility reporting requirements. ([See Minutes, May 1, 2023](#))

Statement of support for legislation to Promote Public Safety and Better Outcomes for Young Adults. ([See Minutes, May 1, 2023](#))

Statement of support for Department of Transportation Reconnecting Communities grant application. ([See Minutes, September 11, 2023](#))

Appendix F: Memoranda Between the City Manager, HRC and/or EODEI Staff

This Appendix lists (and summarizes) a series of memoranda between the City Manager, the Human Rights Commission and staff from the EODEI. The actual memoranda follow.

7/31/23 Memorandum to Human Rights Commissioners from Chair summarizing July meeting with the City Manager concerning (a) staffing of the Office of Human Rights, (b) reorganization of the new Executive Office of Diversity Equity and Inclusion, and (c) request for City Manager’s assistance with WPD data requests.....Page 25

9/18/23 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning WPD practices and Policies (with a focus on the need for (a) LEP policy changes and (b) software upgrade at WPD).....Page 27

10/17/23 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning request for WPD disciplinary records and reports, hate crime investigation reports and information on civil rights case settlements.....Page 29

11/6/23 Memorandum to Human Rights Commission from City Manager communicating his “focused vision for the HRC” and requesting that the HRC prioritize the creation of a public intake process for resident complaints.Page 31

11/7/23 Memorandum to Human Rights Commissioners from Chair and Vice Chair summarizing 10/20/23 meeting with City Manager re requested disciplinary and hate crime records and request for manual record review to provide disaggregated use of force data..... Page 34

11/17/23 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning request for disciplinary and hate crime records and request for clarification around City Manager vision for the work of the HRC.Page 36

12/13/23 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning need to prioritize staffing for Office of Human Rights and Accessibility and requests for action to address needs of unhoused residents.Page 37

1/29/24 Memorandum to City Manager from Staff Liaison re: HRC approved motion requesting support for new program to connect housed and unhoused Worcester residents.....Page 39

3/19/24 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning request for link from WPD website to POST, dissolution of HRC subcommittees, job requirements of Director of Human Rights and Accessibility and representative to Chief Equity Officer interview process.Page 40

3/28/24 Memorandum to City Manager from Staff Liaison re: HRC approved motions relative to (a) ongoing request for WPD investigation reports/files, (b) recommendations to Office of Emergency Communications and Management, (c) request for written responses to HRC motions and resumption of regular meetings between HRC leadership the City Manager, (d) concerns over impact of unfilled DEI staff positions on work of the Commission, (e) detailed policy changes to WPD LEP policy, (f) detailed policy changes to WPD juvenile arrest policy, (g) detailed policy changes to WPD use of force policy, (g) support for safe injection site and (h) upcoming meeting focus on Race Equity Audit.Page 41

4/18/24 Memorandum to Human Rights Commission from City Manager responding to request for written responses to recommendations and resumption of leadership meetings as well as HRC work with WPD Policy Review Committee.Page 47

5/23/24 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning withdrawal of WPD from civil service, changes to LEP policy, and WPD data collection around interactions with homeless.Page 49

6/24/24 Memorandum to City Manager from Staff Liaison re: HRC review and analysis of the Racial Equity Audit of the WPD, its recommendation that the City adopt all 34 recommendations of the Audit, and its requests for (a) a DEI plan for the WPD, (b) increased transparency in WPD complaint process, (c) changes to the WPD juvenile arrest policy and procedures, (d) improved use of force data collection, (e) creation of a citizen’s advisory council and (f) improved communications with the WPD.Page 51

7/22/24 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning support for displaced residents impacted by the Washington Heights fire and a robust rental registry without exclusions.Page 53

8/22/24 Memorandum from Staff Liaison to HRC conveying refusal to make formal request for WPD disciplinary records.Page 54

8/22/24 Memorandum from Staff Liaison to HRC conveying WPD adoption of some of the HRC policy recommendations concerning the WPD LEP policy and rejecting the HRC policy recommendations re juvenile arrests and undue force.Page 55

8/26/24 Memorandum to City Manager from Staff Liaison re: HRC approved motions concerning the city cultural flag program, request for disaggregated data on WPD recruit background checks, request for information on WPD data system upgrade, expression of ongoing concern re WPD failure to adopt recommended changes to use of force and juvenile arrest policies, renewed request for access to WPD disciplinary records and request for prioritization of creation of public civil rights complaint process.....Page 57

10/7/24 Memorandum to City Manager from Staff Liaison conveying HRC recommendations for policy changes re affordable housing and services for the unhoused.....Page 59

10/17/24 Memorandum from Staff Liaison to HRC conveying information on the Hexagon data system.Page 61

10/28/24 Memorandum to City Manager from Staff Liaison conveying HRC recommendations for policy changes concerning WPD use of force and juvenile arrest policies, request for prioritization of action to create a civilian advisory committee and vote to hire legal counsel to assist in obtaining access to WPD records.....Page 62

10/28/24 Memorandum to City Manager and City Council from HRC concerning request that the city prioritize the creation of a citizen advisory committee.....Page 64

11/25/24 Memorandum to City Manager from Staff Liaison conveying concerns about failure to fill open seats on HRC and requesting City Manager join HRC in statement condemning recent act of racist graffiti.Page 67

12/11/24 Memorandum from Staff Liaison to HRC conveying refusal to post materials for HRC meetings to both meeting agendas and subsequent minutes.....Page 68

12/16/24 Memorandum to City Manager from Staff Liaison conveying HRC requests for resumption of past practice of making documents available to public, request for information on new civil rights complaints filed against city based on WPD actions, renewed request for adoption of use of force and juvenile arrest policy recommendations, vote to resend all policy and practice recommendations which the HRC has made with respect to the WPD over the last four years and a renewed request for the creation of an emergency regional task force on the affordable housing and homelessness crisis.....Page 70

Memo



To: Human Rights Commissioners

From: Ellen Shemitz

cc: Victor Perez

Date: 7/31/23

Re: Summary of Meeting with City Manager

On Friday July 28, 2023, HRC Leadership (Ellen Shemitz, Guillermo Creamer, Liz O'Callaghan) and staff (Jayna Turchek and Victor Perez) met with the City Manager (Eric Batista) and Assistant City Manager (Hung Nguyen) at our request. We had a three-part agenda: (a) how to ensure the smooth functioning of the HRC in light of the resignation of the current HRC Executive Director, (b) clarification of status of equity related organizational changes, and (c) concerns re open requests for information from the Worcester Policy Department (WPD).

Administrative Support for and Substantive Focus of HRC

The City Manager (CM) indicated that Victor Perez, the current Lead Investigator (and indeed sole investigator) for the City of Worcester will staff the HRC pending hiring of a new Executive Director. This support will include but not be limited to drafting and posting agendas, drafting and posting minutes, arranging for all video and other support for HRC meetings, outreach to and coordination of all invited guests/speakers for HRC meetings, outreach to/onboarding of new HRC members and partnering with HRC commissioners to advance core mission of ensuring that all city residents are treated fairly and equally by eliminating bigotry, discrimination, intolerance and prejudice.

The CM indicated that a new job description for the HR Executive Director will be created consistent with the expanded responsibilities detailed in his memo of 2/7/23 relative to the reorganization of the executive branch. He anticipates having a new director on board in 4-8 weeks.

Finally, we discussed the substantive focus of the HRC and requested guidance from the CM as to his priorities. Chair indicated that she would like to see HRC narrow focus to go deeper and fulfill role as change agent. Ensuring that police department is advancing race equity is obvious focal point. Possibly also housing and homeless unless and until the Homeless Commission

(mandated by city ordinance for over a decade) is finally up and running. CM indicated he will look into status of Homelessness Commission.

Reorganization to Promote Equity Focus of Administration

CM indicated that the timeline for the full implementation of the fuller reorganization is 1.5 years from his initial memo of 2/7/23 (with a current implementation team consisting of himself, the Assistant City Manager, Bill Bagley (head of HR), Janice Weeks (of MassHire) and Sulma Rubert-Silva (formerly HR/currently at Worcester Library). CM also clarified that three “divisions” under chief equity officer (human rights, investigations and training/development) will distinguish between resident complaints of discrimination by noncity actors (under human rights) and complaints of discrimination by city employees (under investigations). Chair asked CM if HRC could request quarterly reports from Mr. Perez on investigations: how many, which departments, outcomes, repeat offenders/complaints. CM had no objection and Chair made request to Mr. Perez on behalf of HRC.

Request for Assistance re Data Requests from WPD

Group discussed outstanding data requests and importance of timely responses from the WPD so that HRC can advance its mission of ensuring that all city residents are treated fairly and equally- especially by largest public facing arm of Worcester city government. CM indicated that he will review the outstanding data request with the Chief of Policy on 8/1/23 and push to ensure that data is provided at our August HRC meeting. That data request has already been shared with the CM (the updated listing is attached to this memo). CM will also speak with Chief about setting date for next Policy Civilian Academy and opening up postings for police ride alongs. Victor Perez will follow up with CM re the same.

Other

Chair asked if HRC leadership can meet quarterly with CM – request agreed to. Victor Perez will follow up with Office of CM to set up said meetings.



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: September 18, 2023

RE: The Human Rights Commission's Approved Motions Regarding Certain Worcester Police Department Practices and Policies

A. Background:

On September 11, 2023, the Human Rights Commission (HRC) met with the Worcester Police Department (WPD) to discuss their responses to the HRC's information requests related to their practices and policies. Among other topics, the Commissioners discussed their concerns with the WPD's language access practices and compilation of use of force data.

Deputy Chief Edward McGinn informed Commissioners that when Officers encounter a resident using a different language or form of communication, they respond with the following troubleshooting steps: 1) utilize on-scene Officers familiar with the language or form of communication, 2) call for Officers familiar with the language or form of communication who are not already on the scene or else solicit assistance from onsite family members, often including children, who are not tied to the underlying reason for the exchange with the police, and, lastly, if the others steps fail, 3) contact an interpreter through Language Line Solutions. Deputy Chief McGinn stated that while it would be prohibitively expensive to provide Officers with City-issued phones to have for use of the Language Line Solutions application, all Officers likely have their own phones and some already have City-issued phones. Neither he nor the other members of the WPD believed that solely having access to a personal phone would prevent an Officer from utilizing Language Line Solutions.

Members of the HRC discussed the importance of language access in exchanges involving residents and WPD officers, especially as a mechanism to avoid escalation that might result from potential miscommunication or misunderstanding. Members also expressed concern that the WPD described utilizing Language Line Solutions as a method of last resort, despite its quick turn around and high efficacy.

In response to information requests from the HRC, the WPD indicated that the use of force data in the current digital system does not permit the reader to associate an instance of use of force by an Officer with the individual resident against whom force was used. Deputy Sean Fleming explained to Commissioners that the only way to know the identity and demographics of such



individuals is to manually review any relevant written reports. He also indicated that the relevant data system is dated, and he suggested that making changes to it could potentially compromise the functionality of the entire system. Deputy Fleming said that between 2017 and 2020, there was an initiative to fix this system. He said that the WPD worked with a consultant to select a vendor that would create a new digital data system, but that the endeavor was ultimately defunded. Deputy Fleming expressed hope that the recently awarded E911 Grant could fund the creation of a replacement system, and he described the WPD's desire to convert all past use of force data so that it reflected the information that the HRC expressly sought.

Members of the HRC stressed the importance of having searchable and collectable information about residents who been subject to use of force by WPD Officers, including relevant demographic information, so that the City could be aware of the potential for, and readily address demonstrated patterns of, Civil Rights violations.

B. Approved Motions:

In accordance with Article 10, Section 18(c)(5) of the City's Revised Ordinance of 2015, which empowers the HRC to "review departmental policies" and "provide its comments, conclusions and recommendations in writing to the city manager [...] to the extent [it] relate[s] to the human rights ordinance," a quorum of the HRC approved the following two motions:

1. The HRC respectfully asks that the City Manager work with the WPD to develop a specific policy to ensure language access to all members of the public interacting with Officers, in a way that best serves all members, whether they speak English as a second language, use ASL, or utilize an alternative communication device on account of related language impairments. The HRC also respectfully asks that the City Manager ensure any such policy include a description of best practices for Officers and trainings for Officers on these same practices.
2. The HRC respectfully asks that the City Manager provide all support necessary to expedite the creation and implementation of new software to ensure that use of force data, including the relevant indicators described above, is available in a disaggregated way to inform WPD policies and practices.

C. Use of the Human Rights and Accessibility Office

The Human Rights and Accessibility Office remains open and able to work with the City Manager's Office and the WPD in order to address the HRC's aforementioned comments, conclusions and recommendations. The Office can discuss information related to the City's use of Language Line Solutions and aid in the formation of any policies relevant to ensuring language access to all members of the public.



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

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.



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 Justin Martin, and copies of the forms submitted to POST in 2022 for the remaining 31 or so cases involving unsubstantiated findings¹;
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.

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

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

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.¹

¹ 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:

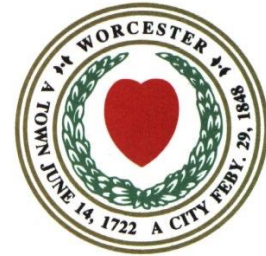
- 1) The creation of a Worcester Equal Employment Opportunity Policy and a revision of the Affirmative Action Policy,
- 2) Pay equity for City of Worcester employees,
- 3) The creation of education materials on topics such as fair housing, workplace harassment prevention, and addressing implicit bias, 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

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 Manger'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.



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: November 17, 2023

RE: The Human Rights Commission's Approved Motions from the Public Meeting on November 13, 2023

A. Background:

On November 13, 2023, the Human Rights Commission (HRC) convened for its monthly public meeting. The members discussed another meeting, which took place on October 20, 2023 and involved the City Manager and HRC leadership, and a memorandum from the City Manager to the HRC, dated November 6, 2023.

B. Approved Motions:

During the public meeting on November 13, 2023, a quorum of the HRC approved the following motions:

1. The HRC respectfully asks that the City Manager provide a written response describing the reasons for denying the HRC's most recently communicated requests for information relevant to the Worcester Police Department, in light of the HRC's duties and responsibilities detailed in the City Ordinance.
2. In the City Manager's aforementioned memorandum, he asked that the HRC address "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." The HRC respectfully asks that the City Manager provide clarification around this statement, in light of member-identified concerns around the language used in reference to the unhoused.
3. The HRC respectfully asks that the City Manager, Assistant City Manager, City Solicitor, or Assistant City Solicitor attend its next public meeting to discuss the City Manager's vision for the HRC going forward.



MEMORANDUM

TO: Eric D. Batista, City Manager

CC: Hung Nguyen, Assistant City Manager

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

DATE: December 13, 2023

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

A. Background:

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

B. Approved Motions:

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

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



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



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: January 29, 2024

RE: The Human Rights Commission's Approved Motion from the Public Meeting on January 22, 2024

A. Background:

On January 22, 2024, the Human Rights Commission (HRC) convened for its monthly public meeting and spoke with guest Dr. Matilde Castiel about homelessness and housing in Worcester. Among other topics, the Commissioners discussed Dr. Castiel's expressed desire to curb stigma against the unhoused, particularly as such stigma can hinder progress in the provision of necessary services and programming to benefit the unhoused.

B. Approved Motions:

During the public meeting on January 22, 2024, a quorum of the HRC approved the following motion:

- The HRC respectfully asks that the City Manager establish, possibly within HHS, a new program that is focused on engaging Worcester residents by connecting them to volunteer opportunities, in order to help them better understand, interact with, and support the unhoused in the community, and create a program coordinator position, which is at least part-time, to staff that program.



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: March 19, 2024

RE: The Human Rights Commission's Approved Motion from the Public Meeting on February 26, 2024

A. Background:

On February 26, 2024, the Human Rights Commission (HRC) convened for its monthly public meeting and spoke with Executive Director Enrique Zuniga from the Massachusetts Peace Officer Standards and Training Commission about his agency's work.

B. Approved Motions:

During this same public meeting, a quorum of the HRC approved the following motions:

- The HRC respectfully asks that the City Manager direct the WPD to provide a link on its own website to the part of the POST Commission's website concerning decertification and discipline information.
- The HRC dissolved the subcommittees that it created in January 2024, but it will revisit the possibility of reforming subcommittees when the EODEI is fully staffed.
- The HRC respectfully asks the City Manager, in hiring the Director of Human Rights, and Accessibility, give due consideration to the new requirements of the newly written job under the reorganization, which includes holding hearings, and that the legal expertise and substantive knowledge in areas of civil rights, human rights, disability, equity, opportunity, and anti-discrimination be given heavy weight.
- The HRC selected Chairperson Ellen Shemitz to serve as its representative in the Chief Equity Officer interview process.



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: March 28, 2024

RE: The Human Rights Commission's Approved Motion from the Public Meeting on March 25, 2024

A. Background:

On March 25, 2024, the Human Rights Commission (HRC) convened for its monthly public meeting and spoke with Commissioner of Emergency Communications and Management Charles Goodwin about his Department's work relevant to the City of Worcester's homeless population. The HRC also discussed Worcester Police Department (WPD) Policies, per their open invitation in September 2023.

B. Approved Motions:

During this same public meeting, a quorum of the HRC approved the following motions:

- The HRC respectfully advises the City Manager that it has asked that the Executive Director of the POST Commission provide the HRC with all reports, investigatory documents and related materials received from the Worcester Police Department in fiscal years 2022 and 2023 within 14 business days of its meeting held on March 25, 2024.
- The HRC respectfully asks that City Manager direct the Commissioner of Emergency Communications and Management to create a questionnaire for all recipients of emergency services to gather information on who is using services, how they learned of the availability of services, what additional services would be helpful, and to ensure that such questionnaire includes questions that provide for demographic details, including respondent's zip code or neighborhood, race, gender, age and ethnicity.
- The HRC respectfully asks that City Manager direct the Commissioner of Emergency Communications and Management to conduct outreach after any and all declared emergencies to 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.



- The HRC respectfully asks that City Manager direct the Commissioner of Emergency Communications and Management to conduct outreach to all public schools and to the Department of Transitional Services on a regular basis to provide information on the availability and ways to access emergency heating and cooling centers.
- 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.
- 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.
- 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.
- The HRC respectfully advises the City Manager 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 asks that the City immediately fill all open positions in the EODEI.
- 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.
- That the current draft does not specify the need for adequate signage in all public facing facilities and booking rooms providing notice of language assistance services free of charge to all LEP persons, with similar language also posted on the WPD website and appended to handouts and/or mailings of any/all vital documents.
- 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.
- The HRC respectfully asks that 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 include 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.
- The HRC respectfully advises 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 asks that the City Manager takes steps to create a new policy in support of the same.
- The HRC respectfully advises the City Manager that it has moved to and agreed to move its April meeting to a later date and to dedicate that meeting to a thorough review and discussion of the Racial Equity Audit.

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: April 18, 2024

RE: Response to HRC's Motions from March 25, 2024

A. Introduction:

It is once again my pleasure to speak directly with the Human Rights Commission ("HRC"). I am writing in response to the motions that the HRC passed on March 25, 2024 during its most recent meeting, which were memorialized in a Memorandum by Staff Liaison Victor Perez, dated March 28, 2024. I hope to provide clarity on HRC's future communications with my Office as well as its work with the Worcester Police Department's ("WPD") Policy Review Committee, and, in turn, ensure the HRC's enduring success.

B. Future Communications with the City Manager's Office:

As the HRC is aware, all Boards and Commissions with the City of Worcester have open communication with the City Manager's Office with the help of their respective Staff Liaisons. As stated in the Municipal Boards & Commissions Guidebook, the Staff Liaison "attends meetings, provides guidance and advice, conducts research and ensures administrative duties are completed." This role traditionally has involved the sharing of communications between the City Manager's Office and the individual Staff Liaison's Board or Commission. This traditionally has not included an *additional* communication in the form of a written response from the City Manager's Office to any City of Worcester Board or Commission, or in-person meetings involving both parties.

One noteworthy and limited exception to the aforementioned practice occurred in late 2023, when I informed HRC leadership that I would provide written responses to the Commission's request for WPD investigations data. As promised, I soon thereafter provided these responses in my *Statement on the Human Rights Commission*, in which I detailed that the City would: 1) publish the Bureau of Professional Standards public records requested on the municipal website, and 2) supply the HRC with statistics and demographics from the hate crime reports so that the HRC could deliberate on this second matter.

Another noteworthy and limited exception to the aforementioned practice occurred throughout 2023, when my Office began holding regular meetings with HRC leadership to help ensure both a smooth merger of the Diversity and Inclusion Advisory Committee with the HRC and a comfortable transition following the departure of the Director of the Human Rights and Accessibility Office. To those ends, I feel that such meetings have been sufficiently effective. I

also feel that the HRC has a clear understanding as to my communicated vision for incorporating diversity, equity, and inclusion initiatives into its ongoing agenda, based on a combination of these meetings and my recent written statements and memoranda on the subject.

Given our past practices, with the reasons for the above exceptions having been fulfilled, and for the sake of uniformity and equity for all of the City of Worcester's Boards and Commissions, my Office will continue to primarily communicate with the HRC through its Staff Liaison.

C. Working with the WPD's Policy Review Committee:

I remain tremendously appreciative of the HRC's ongoing partnership with the WPD and the latter's Policy Review Committee. This Committee, which is made up of a large number of Officer volunteers of assorted rank, reflects an important and tangible effort by Interim Chief Saucier and the WPD to update policies and procedures in a straightforward, ongoing, and transparent manner. I certainly wish to do all that I can to ensure that this cooperative process involving the Policy Review Committee and the HRC is as efficient and productive as possible. Accordingly, I encourage the HRC to work directly with its Staff Liaison and the WPD's Policy Review Committee to review and edit any policies that the Committee has identified for upcoming review, including the policies identified in the Memorandum, dated March 28, 2024.¹

D. Enduring Success

I look forward to the HRC's continued cooperation and partnership, and its enduring success in enforcing the City's human rights policy. My Office and I still remain a resource for you, particularly as you work to implement my previously communicated vision relevant to the restructured Executive Office of Diversity, Equity, and Inclusion.

¹ As always, for any already completed/posted/effective policies for any department, the HRC should continue to follow the process for review of departmental policies, as outlined in the portion of the revised Ordinance relevant to the HRC.



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: May 23, 2024

RE: The Human Rights Commission's Approved Motions from the Public Meeting on May 6, 2024

A. Background:

On May 6, 2024, the Human Rights Commission (HRC) convened for its monthly public meeting and spoke with leadership from the Worcester Police Department (WPD). Those present included Interim Chief Paul Saucier, Deputy Chief Carl Supernor, Deputy Chief Edward McGinn, Deputy Chief Sean Fleming, Captain Ken Davenport, Sergeant Angel Miranda, and Lieutenant Sean Murtha.

B. Approved Motions:

During this same public meeting, a quorum of the HRC approved the following motions:

- The HRC respectfully asks the City Manager to “withdraw from requiring the use of civil service exams, as used by the WPD in its hiring and promotional practices.”
- The HRC respectfully asks that in order to protect the City and the individuals in the City, the City Manager advise the WPD to review its Language Access Policy and address the following points:
 - Train officers in the use of interpreters
 - Ensure that interpretation is conducted by trained staff who have taken a standardized test,
 - Ensure that there be no use of third-party interpreters absent exigent circumstances,
 - Issue cellphones or any applicable devices for all officers on the road so they can access interpreter services, and
 - Require that Language Line Solutions, the City's interpreter services provider, track when WPD uses its services and the circumstances in



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which these services are used, so that the information would be available for future review.

- The HRC respectfully asks that the City Manager work with WPD to add “homeless encampment” as a public complaint option for the purposes of data collection.¹

¹ On May 17, 2024, HRC leadership learned that the WPD took the liberty of making this change after the May 6th meeting.



The City of Worcester

**Executive Office of
Diversity, Equity and Inclusion**
Phone | 508-799-1995

To: Eric Batista, City Manager
From: Human Rights Commission
By: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Memorandum of motions from the June 24, 2024, monthly meeting

Dear Manager Batista:

Please accept the following as the recommendations for action based upon the Human Rights Commission (HRC) motions passed unanimously at the June 24, 2024, meeting.

As reflected in the HRC minutes, the HRC undertook a substantive review of the Racial Equity Audit of the Worcester Police Department. The Commissioners reviewed every finding and recommendation contained in the report often comparing past HRC actions or motions to request change relative to civil rights concerns in connection with policing. As a group the HRC continues to be concerned about policing issues and issues of transparency generally and specifically with the management of discipline of members of the police department for infractions upon the civil rights of our citizenry, excessive use of force and the professionalism of officers.

To that end, the HRC unanimously voted to respectfully inform the City Manager and the Worcester Police Department that they endorse and ask the City of Worcester to adopt the 34 recommendations of the Racial Equity Audit. Further the HRC respectfully asks that the City of Worcester:

1. Work to create a robust DEI plan for the WPD, including an amended recruitment policy to articulate and effectuate its intention to create a more diverse workforce.
2. Work with the HRC to ensure more transparency and confidence in the WPD complaint process.
3. Prioritize changes and additions to its juvenile policies to emphasize diversion, protect juvenile privacy, ensure the collection and public posting of disaggregated data on juvenile arrests, and adopt the model policies created by Strategies for Youth as referenced and endorsed by the HRC.
4. Prioritize data collection to ensure more thorough analysis of racial disparities in use of force, traffic stops, pedestrian stop data.
5. Develop a formal plan to improve community engagement with the department, including: the creation of a Citizen's Advisory Council, and the revision of its social media policy to advance its commitment to an inclusive department and community;

Moreover, the HRC unanimously asks that the WPD:

1. Prioritize a more direct and collaborative communication with the HRC on its ongoing policy review.
2. Provide detailed feedback to the HRC on its specific recommendations for changes to the Use of Force, Limited English Proficiency and Juvenile Policies, as previously relayed to the WPD and as

expanded upon in its recommendations embedded in the PowerPoint presentation submitted at the June 24, 2024, public meeting of the WPD.



The City of Worcester

**Executive Office of
Diversity, Equity and Inclusion**
Phone | 508-799-1995

To: Eric Batista, City Manager
From: Human Rights Commission
By: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Memorandum of motions from the July 22, 2024, monthly meeting

Dear Manager Batista:

Please accept the following as the recommendations for action based upon the Human Rights Commission (HRC) motions passed unanimously at the July 22, 2024, meeting.

As will be reflected in the HRC minutes, the meeting agenda incorporated a report from the HR&A Director regarding the following substantive areas.

- Overview of Cultural Flag Program
- Overview of EODEI initiatives/priorities
- Status on policy recommendations for WPD (Juvenile Stops/Language Access/Use of Force)
- Update on Washington Heights fire displacement

To that end, the HRC unanimously voted to adopt and forward as applicable the following motions/recommendations.

1. The HRC respectfully requests the CM communicate with the Kelly Square Loft Apartment owners that the victims who were displaced due to the Washington Heights fire be given priority for all available units to mitigate likelihood of exacerbating the chance of becoming homeless.
2. The HRC supports the CM's efforts at creating a robust rental registry for the entire City of Worcester requiring inspections of all units and without any exclusions. Further, the HRC respectfully requests the CM seek to void, amend or set-aside any recent adoption of a rental registry program by the City Council if there were any exclusions (such as for owner occupied properties) forthwith.
3. The HRC respectfully wishes to inform the CM that they support all city efforts to aid those devastated by the Washington Heights fire and that the CM inform the City Council of this support as well as the HRC offer to assist the community and City Council efforts.



The City of Worcester

**Executive Office of
Diversity, Equity and Inclusion**
Phone | 508-799-1995

To: Human Rights Commission

From: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility

RE: Response to HRC Motion directing PML to request certain information from the City Manager and public records request

Date: August 22, 2024

Dear Human Rights Commission Members (HRC):

As I begin my tenure as the Director of Human Rights and Accessibility under the new Executive Office of Diversity, Equity and Inclusion, I am pleased and eager to develop a successful and productive working relationship with the Human Rights Commission.

Your volunteer service to the administration as special employees of the City of Worcester appointed by the City Manager is critical to the work we do to serve residents. Your commitments to preserving the vitality of our democratic institutions as citizen participants are held in extremely high regard.

As you know, the Human Rights Commission was established to promote the municipality's human rights policy and ensure equal access to public services. Given the scope and jurisdiction of responsibilities of the Human Rights Commission and per the relevant Ordinance, I am unable to request the records the Commission seeks through their motion(s) at the June 2024 meeting relative to the Worcester Police Department, including any public records requests. It is my understanding that this request was previously made, and the response given answered that the priorities and goals of the Commission, under the direction of the City Manager, do not align with the reasoning or intent of the request.

I genuinely look forward to deepening the Commission's discussion, focus and exploration of the diversity, equity, and inclusion matters we face as the second largest City in New England. We are fortunate to have allocated resources and a renewed commitment to Human Rights and Accessibility to help us advance opportunities for historically marginalized residents and amplify the many diverse voices in our community.

May we rise collectively to the challenges ahead and work collaboratively to meet the demands of growing gateway city. I am excited to work with you in this role as we endeavor to represent and promote fairness, equality and access for all that choose to call Worcester home.



The City of Worcester

**Executive Office of
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Phone | 508-799-1995

To: Human Rights Commission
From: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Response to HRC requests for the WPD to amend their policies for Juvenile Detentions, Limited English Proficiency and Use of Force
Date: August 22, 2024

Dear Human Rights Commission Members (HRC):

In response to your recommendations made regarding the above policies, the WPD has committed to implement the following recommendations/changes.

The WPD shall continue to have meaningful exchanges and meet with the staff liaison as other policies and issues arise. In addition, the WPD shall begin to implement a best practice regarding any policies submitted to the HRC for review requiring the HRC to return all recommendations to the WPD within three months of the request for review from the WPD. The WPD and staff liaison have agreed that any such request would be placed on the HRC meeting agenda for the month the request is made. This will ensure timely implementation of policies moving forward.

Limited English Proficiency Policy

The WPD agrees to include the suggested edit which shall incorporate the following language from the Denver Police Department Policy (Denver Policy). "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".

Although still in the preliminary phase of determining exact details, the WPD agrees to implement usage of the CoW language line service provided to all CoW departments. This shall not be implemented in exigent or emergency situations. The WPD has six to seven supervisors per shift and as an initial foray into utilizing language line, it is anticipated that there will be two supervisors assigned a WPD or CoW owned mobile phone allowing both telephonic and video use of the interpretive services already used by the CoW. It should be noted that the CoW does not have a way to record specific tracking of this with the interpretive service as the entire CoW utilizes the same client number for identification.

The WPD agreed to delete language that WPD can talk to family, friends, etc. for interpretation EXCEPT for/OUTSIDE of the exigent circumstance context. This effectively means that the non-urgent need to speak with a LEP individual will be handled by the above usage of the CoW language line interpreter service.

The WPD endeavors to assign a new LEP Coordinator as soon as possible. However, the new LEP Coordinator shall not be appointed solely from the rank of Deputy Chief.

The WPD shall place signage in all public facilities and booking rooms/areas notifying individuals of their right to no cost interpreter services as stated in the above amendment.

Juvenile Arrest Policy

None of the HRC recommendations have been accepted for implementation by the WPD.

Use of Force

None of the HRC recommendations have been accepted for implementation by the WPD.



The City of Worcester

**Executive Office of
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Phone | 508-799-1995

To: Eric Batista, City Manager
From: Human Rights Commission
By: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Memorandum of motions from the monthly meeting

Dear Manager Batista:

Please accept the following as the recommendations for action based upon the Human Rights Commission (HRC) motions passed unanimously at the August 26, 2024, meeting.

The HRC unanimously voted to adopt and forward as applicable the following. The HRC wishes to express appreciation to the CM and WPD for making significant changes to the LEP policy to improve the lives of individuals throughout the city. In Addition, the HRC supports the work being undertaken by the CM and the Department Transportation and Mobility to address the road safety and traffic violence crisis in the city, including the ongoing actions under the Vision Zero and Complete Streets prioritization plan to create roadways that promote safety and equal access.

1. Motion to recommend to CM that (1) the city revise its cultural flag program to make it clear that the flagpole is not a forum for public expression and that the flying of flags constitutes government speech, (2) the city promulgate a list of federal, state, and local holidays and events that it will recognize by flying a flag, and (3) the city create a process whereby residents may request that other holidays/events be recognized by flying a flag- with the decision to do so wholly at the discretion of the city as an extension of its official speech.
2. Motion to request CM to direct the WPD to provide the disaggregated data on recruit background checks for the prior year by doing a manual review of the records to ensure that this highly discretionary process does not reflect any implicit bias.
3. Motion to request the CM to work with the WPD to provide more information on the changes to its data system, with such information to include: what system are they using now (both its name and the revision level), what is the decommission date for that system, what is the new system that will be procured, whether the city has approved procurement of that system, and what is the target date for implementation (when it will go live).
4. Motion to notify the CM of HRC concerns that recommended changes to the use of force and juvenile arrests policies were not made (with such notification to include as an attachment the full listing of policy changes requested – see addendum) and to ask that the CM work directly with the WPD to incorporate the requested changes so that the issues raised in the Racial

Equity Audit result in real and meaningful change and so that the HRC can move forward on with its other work to address civil and human rights throughout the city.

5. Motion (1) to advise CM of the commitment of the HRC to meet its responsibility to review the police misconduct investigation records and (2) to request his release of the records so that the HRC and the Office of the CM can advance this work cooperatively.
6. Motion to ask CM to give a directive to the staff of the Office of Human Rights and Accessibility to prioritize setting up a complaint process for the public, including support for the HRC to conduct hearings as called for by the local ordinance.



The City of Worcester

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Phone | 508-799-1995

To: Eric Batista, City Manager
From: Human Rights Commission
By: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Memorandum of motions from the monthly meeting & addendum
Date: 10/7/2024

Dear Manager Batista:

Please accept the following as the recommendations for action based upon the Human Rights Commission (HRC) motions passed unanimously at the September 23, 2024, meeting.

The HRC unanimously voted to adopt and forward as applicable the following. The HRC wishes to be updated by the CM regarding the CoW HHS staffing-specifically whether a social worker was ever hired to work with the homeless and the outreach team. In addition, the HRC would like to be updated on the status of the RMV building shelter, including the proposed dates of operations, potential to become open all year and the co-location or location(s) of day services for this population that are currently operating or are proposed to operate.

1. Motion to request the CM provide a timeline for opening a permanent day center for the homeless individuals in the CoW and if there is no plan in place, identify barriers to said services and identify specifics that the HRC members can contribute to advocate and make such a facility become available.
2. Motion to request CM outline prospects for creation of affordable housing units being built or in the planning phase by any government agency or substantially financed or subsidized by any government agency within the CoW. Include in this outline a comprehensive list of available locations within the city, identifying city owned lots/land, city owned properties and properties that might be subject to city takeover due to non-payment of taxes.
3. Motion to request the CM negotiate with the state to increase the project set asides for development of housing within the CoW to require a 15% set aside for low income and affordable units. This to include working with the local legislative representatives as well as state agencies.
4. Motion to request the CM direct the CoW procurement officer provide specific details to the HRC on the WPD procurement of computer software. To include, dates, system requirements and specifics, date of current system decommissioning and scheduled procurement dates

identifying the new system implementation dates for specific modules. To include all system technological specifications.



The City of Worcester

**Executive Office of
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Phone | 508-799-1995

To: Human Rights Commission
From: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Information regarding the WPD Hexagon system for data to be implemented
Date: October 17, 2024

The following information was obtained in response to the HRC inquiries regarding the WPD data system and projected implementation of a new system known as Hexagon Public Safety. The link to see this product is <https://hexagon.com/products/product-groups/public-safety-platform#:~:text=The%20industry-leading%20incident%20management%20suite%20with%20complete,%20integrated>

The current system in place is PAMET. It has been “End of Life” since 2021 but is being supported by former employees of the founding company (it has changed names a few times most recently being Securus Technologies).

The current plan in place is for the PAMET to be utilized until Hexagon goes live. This timeframe is projected to be 18-24 months, and implementation is expected to begin within the next 60-90 days

The CoW is NOT procuring this system, rather it is being funded through a regional emergency communication grant. The grant has been finalized and WPD are working on getting a kickoff meeting to define the parameters and processes. The grant involves the CoW and other communities that the CoW joined through an agreement with the original regional 911 center to become part of the larger project and system. This project involves Police (RMS) and Communications (CAD). The CoW Law Department was involved in negotiating our end of the contract. There was not a typical procurement process: RFP, BIDS etc.

As you will see on the website, the system is broad ranging and will meet data reporting requirements for many subjects including the use of force. Although there is no timeframe for this, I have requested that when the system is near to implementation, some type of live demonstration should be offered for the public and all stakeholders such as the CoW elected officials, residents and boards and commissions for everyone to have clear understanding of what this system will be capable of doing.



The City of Worcester

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To: Eric Batista, City Manager
From: Human Rights Commission
By: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Memorandum of motions from the October 28, 2024, monthly meeting

Dear Manager Batista:

Please accept the following as the recommendations for action based upon the Human Rights Commission (HRC) motions passed at the October 28, 2024, meeting.

As will be reflected in the HRC minutes, the meeting agenda incorporated topics that have been discussed at several prior HRC meetings this year and in 2023.

To that end, the HRC voted to adopt and forward as applicable the following motions/recommendations.

1. Motion to recommend to the CM that his office work directly with the WPD to advance four changes in existing policies concerning undue force and juvenile arrests which currently fail to meet best practice and/or protect human rights, as follows:
 - a. The failure in the current policy to provide protections around use of force for individuals with LEP and individuals with cognitive deficits and/or language processing delays.
 - b. The failure in the current policy to provide for age-based limitations on the use of force.
 - c. The failure in the current policy to require the use of the least restrictive means of restraint in cases of juvenile arrests; and
 - d. The failure in the current policy to address and promote juvenile diversion programming with the WPD.
2. Motion to the CM and the City Council that the city prioritize the creation of a civilian oversight board, with said recommendation noting (1) that the HRC has tried over the past 1 ½ year to access police disciplinary records as provided under the city ordinances but had been denied access, (2) that the Race Equity Audit had had found that the public had questions about the fairness/equity of police misconduct investigations and that 43% of WPD survey respondents strongly disagreed with the statement that the WPD has a transparent process for disciplinary actions, (3) that because the HRC was unable to review the disciplinary records, it could not assess whether or not the police investigations complied with the human rights policy of the city, (4) that the race equity audit had recommended the creation of a civilian oversight board and that a local group which held community meetings after the release of the audit had voted the creation of such a board as its top priority and (5) that by prioritizing the creation of a civilian review board the CM and the City Council could not only assure that the issue of the

fairness and equity of the police investigation of citizen complaints be given appropriate attention but also support the HRC in its efforts to address the full scope of its duties and responsibilities as envisioned by the city ordinance.

3. Motion that the HRC authorize leadership of the Commission to retain the services of pro bono legal counsel to take legal action as necessary to gain access to the requested police investigatory records and reports, with the caveat that no court filing shall be made without prior review and vote by the Commission.



The City of Worcester

Human Rights Commission Report and Recommendation

To: Eric Batista, City Manager
Joseph Petty, Mayor & Councilor-at-Large
Khrystian King, Vice Chairman & Councilor-at-Large
Morris Bergman, Councilor-at-Large
Donna Colorio, Councilor-at-Large
Thu Nguyen, Councilor-at-Large
Kathleen Toomey, Councilor-at-Large
Jenny Pacillo, District 1 Councilor
Candy Mero-Carlson, District 2 Councilor
George Russell, District 3 Councilor
Luis Ojeda, District 4 Councilor
Etel Haxhiaj, District 5 Councilor

From: Human Rights Commission

By: Ellen Shemitz, Chair, and Elizabeth, O'Callahan, Vice Chair, Human Rights Commission

RE: Report and Recommendation Concerning Creation of Civilian Oversight Board

Dear Manager Batista, Mayor Petty, Vice Chairman King and City Councilors:

Please accept the report and recommendation for action based upon the Human Rights Commission (HRC) discussion and unanimous vote on October 28, 2024.

Background

Pursuant to subsection 10(d)(6) of Article 15 of Part Two of the Revised Ordinances of the City of Worcester,¹ the Human Rights Commission has the duty and responsibility to review departmental disciplinary actions, as follows:

The commission shall possess and exercise the power and duty to . . . to review the results of any internal disciplinary action taken by any department, board, commission or agency of the city, including reports of the internal affairs division of the police department, and to make comments, conclusions and recommendations jointly to the city manager and the head or executive officer of any such department or agency to the extent such internal disciplinary investigations relate to the human rights ordinance of the city.

Over the past 1 ½ years, the Human Rights Commission has attempted to meet this duty and responsibility with respect to the internal disciplinary actions of the Worcester Police Department by

¹ Ordained by the City Council September 21, 2015 as amended through November 14, 2023.

requesting investigatory records for police misconduct cases from fiscal years 2022 and 2023.² This work has taken on heightened importance given the findings and recommendations of the January 2024 Racial Equity Audit of the Worcester Police Department which reported both community and staff concerns about the WPD complaint-investigation process and disciplinary matters, with a remarkable 43% of respondents to a survey conducted by the audit team strongly *disagreeing* with the statement: “the WPD has a transparent process for disciplinary actions.”

Despite the clear language of the city ordinance authorizing and directing the HRC to review disciplinary actions, the HRC has as yet to receive the records requested from the police department and as such cannot assess whether or not the disciplinary practices of the WPD, including discipline occasioned by and/or responsive to citizen complaints, comply with the city’s policy “to assure that every individual shall have equal access to and benefit from all public services, accommodations, and employment opportunities 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 of the city.”³

Issue

The Human Rights Commission has a broad scope of duties and responsibilities, all of which focus on the protection of civil rights for every individual in the city with the express intent “to bring about the elimination of prejudice, intolerance, bigotry, discrimination, and the disorder occasioned thereby.”⁴ The ongoing and to date futile efforts to review police disciplinary records has absorbed considerable time of the Commission over the past 18 months, limiting its capacity to engage in other and equally important work including its intended role in investigations, hearings and mediation of civil rights complaints. While the Commission has sought legal counsel to assist it in efforts to review the records in question, it recognizes that this process will take time. Moreover, it recognizes that the work of police oversight is considerable and that the creation of an additional citizen body to provide such oversight would itself advance the promise of equal treatment and the elimination of discrimination in the city. Indeed, a key recommendation made in the Final Report of the Racial Equity Audit was the creation of a Civilian Advisory Commission (CAC) with clearly established oversight and reporting mechanisms. The Human Rights Commission submits that the creation of a fully empowered CAC would complement the ongoing work of the HRC with the WPD, work which the Race Equity Audit deemed “crucial for building strong relationships with community stakeholders and other entities” and

² Requests have been made directly to leadership of the WPD as well as to the office of the City Manager in public meetings, private meetings, and through memorandum and email. The record of HRC’s extensive efforts to gain access to the investigation reports include the following:

- a. Request for data in advance of and during HRC public meetings with the WPD held in July, August and September of 2023 (minutes posted online).
- b. Passage of motion at October 2023 meeting detailing specific disciplinary records requested, conveyed to City Manager in Memorandum dated 10/17/23 (attached).
- c. Request for data in advance of and during HRC public meeting with the WPD in May of 2024 (minutes posted online).
- d. Passage of motion at June 2024 meeting asking the Director of the Office of Human Rights and Accessibility to make a formal request to the WPD for the outstanding disciplinary records (minutes posted online)(response of Director in Memorandum dated 8/22/24 attached).

³ Human Rights Policy set forth in subsection 6(c) Article 15 of Part Two of the Revised Ordinances of the City of Worcester as ordained by the City Council September 21, 2015, as amended through November 14, 2023.

⁴ Id.

“improving police accountability.”⁵ Indeed, after conducting a review and public discussion of the Racial Equity Audit, the HRC moved unanimously to recommend that the City Manager develop a formal plan to improve community engagement with the department, including the creation of a CAC.⁶

Recommendation

For all of the reasons outline above, and pursuant to its duty and responsibility to make recommendations “to any public official or public body as, in its judgment, will effectuate the policy of [the human rights] ordinance”,⁷ the HRC voted unanimously at its October 2024 meeting to recommend to both the City Manager and the City Council that the city prioritize the creation of a civilian oversight body. The HRC submits that the prioritization of this work will not only assure that the fairness and equity of the police investigation of citizen complaints and related officer discipline be given appropriate attention but also will support the HRC in its efforts to address the full scope of its duties and responsibilities as envisioned by the city ordinance.

⁵ Racial Equity Audit of the Worcester, Massachusetts Police Department at pages 47-48.

⁶ See June 2024 Memorandum from Human Rights Commission to the City Manager (attached). The HRC further notes that, upon release of the Racial Equity Audit, Black Families Together held a series of community meetings after which it reported that participants in such meetings ranked the creation of a CAC as their top priority.

⁷ Power to issue recommendations and reports set forth in subsection 10(d)(10) of Article 15 of Part Two of the Revised Ordinances of the City of Worcester as Ordained by the City Council September 21, 2015 as amended through November 14, 2023.



The City of Worcester

**Executive Office of
Diversity, Equity and Inclusion**
Phone | 508-799-1995

To: Eric Batista, City Manager
From: Human Rights Commission
By: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Memorandum of motions from the November 25, 2024, monthly meeting

Dear Manager Batista:

Please accept the following as the recommendations for action based upon the Human Rights Commission (HRC) motions passed at the November 25, 2024, meeting.

The HRC voted to adopt and forward the following motions/recommendations.

1. Motion to request the CM address the long-term lapse and resulting empty seat for appointment to the HRC. The HRC believe this frustrates their efforts and abilities to carry out their duties as proscribed in the ordinance. In order to support the efforts of the City Manager to fill the empty seat, the HRC asks the CM to inform them of the specific qualifications he believes are necessary for the appointment so that the HRC might be able to reach out and recruit applicants. Finally, the HRC would appreciate any information the City Manager might provide to help them better understand why two recent applicants with significant experience as public interest attorneys and commitment to the work of the HRC were denied appointments.
2. The HRC adopted the following statement and requests the CM join them in the condemnation of the recent racist graffiti at the Worcester Public Schools as well as issue this statement in a joint press release. In the alternative, if the CM does not choose to join the HRC in this statement, the HRC would ask that the City release this statement in the name of the Human Rights Commission alone.

“On November 3rd, racist graffiti, using the n-word was spray painted on the walls of Worcester Dual Language Magnet School. This alarming act of racism points to a growing political trend that fosters racism and xenophobia and promotes acts of hate. This does not reflect our city’s identity. Worcester has always been a diverse, immigrant city. People from all over the world come to Worcester to build a life, raise a family and contribute to our city.

As a community we must openly discuss acts of hate and educate the public. We must loudly denounce any acts of hate and hate speech, especially in our schools. The HRC vehemently condemns this act of hate, and stands against racism, and xenophobia. The HRC remains committed to our mission to ensure that all city residents are treated fairly & equally by eliminating bigotry, discrimination, intolerance & prejudice.”



The City of Worcester

**Executive Office of
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Phone | 508-799-1995

To: Human Rights Commission
From: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Information regarding the HRC demand for posting documents
Date: December 11, 2024

The HRC members have made numerous references to the prior practice of posting documents and hyperlinks on the meeting agendas. The Open Meeting Law (“OML”) requires posting of a “notice” of a public meeting at least 48 hours (Saturdays, Sundays and legal holidays excluded) from the start of the meeting. The law requires the “notice” to consist of: “the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A §20(b). Regulations promulgated by the attorney general, after repeating the statutory provisions, state that public bodies are required to list topics in a meeting notice with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03. There is no requirement in the law to post documents.

The purpose of the OML is to ***ensure transparency in the deliberations*** on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the OML requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public’s interest in witnessing the deliberations of public officials with the government’s need to manage its operations efficiently.

Further, there is some guidance about document posting requirements from the Commonwealth of Massachusetts Office of the Attorney General. Documents are NOT required to be maintained with the agenda or the minutes however, a list of documents relied upon for the meeting must be included in the minutes posted only. Section 22(d) of the OML implicitly acknowledges that documents will be distributed for the first time during a meeting as this section requires that “[d]ocuments and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.” All documents used by any public body become part of the official record and the City of Worcester (CoW) is required to maintain these records in accordance with the public records retention schedules promulgated by the Commonwealth. Therefore, I will not be posting documents or lists with any agendas moving forward nor will I post entire documents or links to the official minutes. I will include a list of documents as required in the OML and as relied upon at the meeting that will be listed in the HRC approved minutes for posting by the CoW.

Lastly, we have had minimal discussion regarding the requirement of quorum to conduct a scheduled public meeting. The OML defines a quorum as a simple majority of the number of members of a public body (regardless of vacant seats), unless otherwise provided in a general or special law, executive order, or other authorizing provision. Practically, this equates to five members required of the nine member HRC to meet the quorum requirement.



The City of Worcester

**Executive Office of
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To: Eric Batista, City Manager
From: Human Rights Commission
By: Patricia M. LaFore, Esq, Director of Human Rights and Accessibility
RE: Memorandum of motions from the December 16, 2024, monthly meeting

Dear Manager Batista:

Please accept the following as the recommendations for action based upon the Human Rights Commission (HRC) motions passed at the December 16, 2024, meeting.

The HRC voted to adopt and forward the following motions/recommendations.

1. Motion to request that as a matter of ongoing practice, and as a means to increase public participation and ensure a low barrier to public access to information, all documents provided to HRC Commissioners in advance of meetings or discussed at meetings be hyper-linked to both HRC agendas and minutes, with documents to be attached as PDFs in those instances where hyper-links are not available. Please note that this unanimous request applies both to future meetings as well as to all meetings/agendas for 2024 which do not as yet provide such hyperlinks/documents.
2. Motion to request that the Director of Human Rights and Accessibility provide the HRC with a copy of any written policy that would prohibit her from attaching documents discussed at HRC meetings to the agenda and minutes of the Commission.
3. Motion to request that the City Manager inform the HRC whether there have been any civil rights complaints filed against the City, and/or settled by the City, from January 2022 to the present, that involve allegations of civil rights violations by the WPD including undue force, discriminatory policing, and sexual misconduct as outlined in the DOJ report.
4. Motion to request that the City Manager take action on all of the requested changes to the Worcester Police Department Use of Force Policy which the HRC has previously requested and conveyed to the City Manager by way of memorandum concerning the motions passed at meetings on March 24, 2004, May 6, 2024, June 24, 2024, August 26, 2024 and October 28, 2024. These motions and the related memoranda include references to best practice and suggested language from model policies. The HRC submits that the proposed changes align with findings now made public from the DOJ investigation of the Worcester Police Department and that prompt adoption of the same would provide residents with assurance of the Administration's intent to take action on all of the DOJ findings. Please note that a summary of outstanding Use of Force recommendations is included as a part of Exhibit A, which lists all of the requests and recommendations concerning the Worcester Police Department made by the HRC from 2020 to the present.

5. Motion to provide the City Manager with a complete listing of all policy and practice changes related to the Worcester Police Department which the HRC has recommended and conveyed to the City Manager over the last four years, including reference to the dates such requests and recommendations were made. See Exhibit A. Motion to further request that the City Manager indicate the date on which any action has been taken in response to any of these requests and recommendations and that he consider taking immediate action on those changes not yet adopted. The HRC respectfully notes that that many of these outstanding requests and recommendations relate directly to issues raised in the DOJ findings.
6. Motion to renew its prior request from December of 2023 that the City Manager form an emergency regional task force, including members from surrounding towns, to come up with a comprehensive plan to address the current affordable housing and the homelessness crisis. The HRC further requests the CM provide an update as to all existing efforts, collaboration and current projects to alleviate homelessness that the City of Worcester is currently working on with regional partners or regional collaboration.