

Chairperson
Aaron Richman

Vice-chairperson
Vacant

Clerk
Elizabeth O'Callahan



**City of Worcester
Human Rights Commission**

Members:
Lilian Chukwurah
Robyn Kennedy
Jose Medina Santos
Luis Portillo Reyes
Edward G. Robinson
Jacqueline Yang

**Monthly Meeting Summary – Monday, July 9th, 2018, 6pm
Worcester City Hall, Esther Howland Chamber, 4th Floor, 455 Main St., Worcester, MA**

Members present: Lilian Chukwurah, Elizabeth O'Callahan, Luis Portilo Reyes, Edward Robinson, Robyn Kennedy, Jose Medina Santos, Jacqueline Yang

Members absent: Aaron Richman

Staff: Jayna Turchek and Michelle Santana

- 1. Call to order and introductions 6:08 pm.** Commissioner O'Callahan announced she would preside over today's meeting in Chairperson Richman's absence. Worcester Police Department officials and members of the public were welcomed.
- 2. Approval of June 4th, 2018 meeting minutes.** Minutes unanimously approved as written (Commissioner Kennedy motioned and Commissioner Chukwurah seconded).
- 3. Old Business:**
 - A. Debrief June 4th meeting on police community relations**
Acting Chairperson O'Callahan provided summary of what was presented and discussed at last month's meeting and welcomed members of the public to share their questions, comments and recommendations.

Public Comment:

Gordon Davis

1. How do you determine what is a hate crime?
2. What is being done to bring more diversity into the department? Who is tracking and why Veterans' preference.
3. Is the mounted unit effective and is there return for what is spent on program?

Response:

- WPD uses federal law definition of hate crime.



OFFICE OF HUMAN RIGHTS & DISABILITIES, CITY HALL ROOM 101
455 MAIN ST., WORCESTER, MA 01608
TELEPHONE (508) 799-8486 | FAX (508) 799-1218



- Veterans do have preference over anyone but there's also a proposed cadet program that would aid in recruiting a diverse group of officers. Currently they are attending career fairs for recruitment.
- Not aware of any tracking of the effectiveness of the horse patrol; Most of the money for the mounted unit comes out of donation and in-kind. Unaware of amount of budget that comes from tax payers.

Jo Hart:

1. Concerned that these meeting are “undercover,” that's why she feels she missed the last meeting. She only found out because of an article she saw in the paper.
2. Motorcycle patrols prevent people from sitting in the Common. Motorcycles deter people from being in the Common and create a disturbance.
3. She would rather that the police have a public forum meeting instead of coming to a commission. Since Ed Augustus, Jr has been in office she feels there has not been a public forum of any kind.

Response:

- Captain Davenport requested clarification on the issues that the patrol motorcycles present.
- Ms. Hart believes it is the wrong image and is highly unpleasant for her.
- Acting Chairperson O'Callahan suggested they would look into Worcester T&G article that Ms. Hart referenced that did not provide accurate meeting announcement details about the Human Rights Commission meeting.

Commissioner Kennedy:

The basis of the meeting today and last month is a result of work over last couple years and informed by other forums and events. The WPD historically provides the Commission (per an order of a previous city manager) with quarterly data reports regarding closed cases in the Bureau of Professional Standards (internal review board). The Commission has been in conversation with WPD for the last couple years regarding the format and content of information shared in the hopes that it can be helpful to the Commission and public.

- Is the information beneficial?
- What would be more beneficial?
- What could we be asking for that would help? The Chief presented what we have as it exists today.
- We can share information with public and what is a relevant timeframe to get these reports? (quarterly, annual?). Moving forward how should we set forth that timeline and process?

Commissioner Kennedy read a letter from Marianna Islam:

- Police school resource officers in all high schools despite findings of safety audit report.
- Presence and practice of police officer present in schools affects students of color adversely.
- The guidance for the following questions was derived from a new report from the National Black Women's Justice Institute and Georgetown University Center on Poverty and Inequality on School Resource Officers and Girls of Color.
 - Does WPS and WPD clearly delineate law enforcement roles and responsibilities in formal agreements? Where is that posted?
 - Does WPS and WPD collect and review data that can be disaggregated by race and gender?
 - Does WPS and WPD implement non-punitive, trauma-informed responses to students of color and girls of color?

- Does WPS and WPD offer specialized training to officers and educators on race and gender issues and children's mental health?
- These are important recommendations that the city should consider- aside from the most important consideration which is to replace police officers with much-needed counselors in schools.
- A hard copy was provided to Captain Davenport.

Response:

Captain Davenport said he would look at the data. He shared that he personally thinks the officers are a good idea in case of a school shooting

Alex Tarr:

Spoke mostly to the annual report by the Bureau of Professional Standards.

- Out of all of the complaints only 3 were sustained. Also, 9 of the complaints were brought by African Americans, 3 by Hispanics/Latinos and only 1 of those was upheld. Is it worthwhile for the citizens to bring complaints against officers? We need a different vehicle for citizens to express their concerns against officers instead of bringing it to the department.
- Would like to know what data is publically available and how public could request or access such data.
- It is not clear what the recourse would be if complaint sustained or not. "Conduct unbecoming" was the most common problem on the complaints.
- Demographics is important. Police Chief Sargent previously shared evidence that police are supported in the schools that came from his own family. Should not be on the WPD to conduct data collection but perhaps schools or this Commission to talk to students, teachers, parents about their interactions with the police and what type of support they may want.

Response:

- All of the complaints are investigated. If proven then sustained. The definition of conduct unbecoming is basically any behavior that would discredit the Department or embarrass the City and Department. The actual definition can be found in the WPD rules and regulations.
- Process for how complaints received: filed through a link from the city website, paper copy in mail, over the phone or in person. If complainant comes in person and it is a minor complaint they will speak to the Supervisor of the officer the complaint is about and attempt to address on the spot. WPD will utilize the language bank to assist Limited English Proficiency (LEP) persons with complaints. The allegations can be shared as well as results of investigations.
- The only thing that cannot be shared is any disciplinary actions taken against officers.

Joyce McNickles:

- Civilian complaints: Demographic background 27.1% race of citizens who have file complaints race unknown. Are they people of color? This means that demographics will affect the narrative a great deal
- Does the complaint form have a race identity question?
- Important not to make educated guesses about person's race/ethnicity.
- Wish to share best practices regarding data collection and data sharing based on Center for Policing Equity, ACLU of Massachusetts and the Department of Justice.
 - Where's the data around police civilian interaction? What if there's bias there? – You could issue receipts to civilians. Anyone that is interrogated, stopped, or searched. The

- data would be published or somehow share with the public. You can collect name, race, and the problem. Officer involved and whether interaction was consensual or not
 - FIOFS Report – a report for every stop search, whether consensual or not
 - The notion of racial profile happens. The community will have more trust on the police if these suggestions are being included in the policies and requirements from the police
 - Make the utilization of the citizen receipts and FIOFS Report part of officer's training. It will increase accountability. It will also provide more transparency and give concrete numbers
- The City Manager received a report from the Coming Together Collective shortly after he was hired. As part of that Collective she requests a follow up on what actions have been taken from the report that addressed police and community relation.

Response:

- Captain Davenport reported that the 27.1% number resulted mostly from phone calls and emails and where the complainant did not come down to have an interview. Racial/ethnic identity if not presented as part of original complaint may be added in by Officer's educated guess as well as verification from driver's license or other searchable police database. He agreed to adding race/ethnicity as an optional field to the complaint form.
- The WPD will take these suggestions into consideration

Chris Robarge:

- Central MA office field coordinated for the ACLU Massachusetts
- Happy to hear that having people self-identify race/ethnicity on complaints is an idea that the WPD is willing to implement
- A couple of things on the compliant process: it would be helpful to already translate the forms in other languages: Spanish, Portuguese, Vietnamese, Arabic, African French
- ACLU did a report a couple of years ago on police relations in Worcester. Some findings: Interviewed 180 people. Asked if they had had an encounter with the WPD. Just over 100 people reported they did. More than half of the people had a negative police encounter and the vast majority did not file a complaint. The reasons they gave for not reporting:
 1. Nothing will come of it. Waste of their time. People who came to the department and spoke to someone and were under the impression that an official complaint but it was not the case.
 2. They were afraid of repercussions. In some instances the repercussions were made implicit by the officer. For example: Probation status being brought up by an officer questioning whether or not this is something that will affect his probation.
- Racial data collection – Worcester is so far behind. Collected for arrests, somewhat for citizen complaints. We don't collect the racial data on the vast majority of the police encounters. Supports citizens receipts as part of the tracking.
- No body cameras timeline. An update is needed. The Boston pilot program has ended.
- Wants to present to the Human Rights Commission on another item at a later date and will follow up to make that request.
- Personal weapon category has made a huge jump. Would like clarification. What does that category represent and why the big increase?
- The ACLU stands ready to help with guidance and constructive correspondence. Did not receive any answer when did they reach out to WPD prior years. Reiterates that they are available to provide input and model guidance in line with DOJ guidance relative to the body camera policy development.

Response:

- Captain Davenport appreciated the FIOFS and citizen receipt requests and will speak to the Chief.
- The body cameras will be discussed at a July 12th meeting. A presentation by TASER. From that day some policies would be drafted and put out a number of officers with the cameras.
- They will be speaking to the ACLU about their suggestions
- Personal weapons indicate hands, feet, and part of body. In 2013 there was a rise because the data wasn't previously being drawn from reports. They now track type of use of force so they can track, train and discipline.
- Director Turchek clarified that the Worcester Police Department complaint online PDF form is offered in three languages, which are Spanish, Vietnamese and English.

Jo Hart:

- Is the public invited to the July 12th meeting to discuss the body cameras?
- Can there be a demonstration on what the camera would entail?

Response:

- We are talking today to obtain input. Meeting at WPD with body camera supplier not open to public but the Chief would make decision about future public input opportunities.

Ronald Waddell:

- Program Coordinator for Safe and Successful Youth (SSY) Initiative (statewide grant targeted top 2% of most violent offenders in said community)
- Would the Bureau of the Professional Standards be willing to meet with some of the members of SSY if he was able to pull a group of the guys he works with together to meet for a candid conversation about the experiences not captured?
- The information on how to file the complaint, where is that? Is there a way to text a compliant?
- How to make reporting accessible? Could the number to report a complaint be listed on each police vehicle similar to the "How is my driving?" messages on commercial vehicles?

Response:

- Captain Davenport is willing to meet with members and provided his business card for follow up.
- Texting is possible but it has to be followed up with a phone call. A lot of information is needed for investigation.

Margo Barnet:

- 2 issues of transparency:
 - Not touched on in this report but wants to recommend regarding handling of prisoners. Can we institute some sort of transparency while in police custody?
 - What kind of surveillance is being conducted, under what circumstances are police gathering data? Example: I have been in protests where police were photographing protestors. What is collected? What is shared? With whom? People could be put into danger by association with other people. For example: Immigration status and association with gangs.

Response:

- Cannot answer for the transparency for the surveillance
- Some is required to be incognito for type of crime investigating.

- There are camera in cells when people are in custody.
- When someone is interrogated they audio and video record. If the person doesn't want to be filmed it will only contain audio.
- Depending on circumstances, could share photos with other law enforcement.
- Captain Davenport will follow up with Commander of Detective Bureau to see if there is a police policy related to destruction of photographs when no purpose for them and follow up to Gordon Davis' request for policy clarification.

Kevin Ksen

- Regarding the BOPS annual report: race demographics 12.9% as non-applicable; I am assuming those are self- initiated by WPD, for example by the Chief. If that is the case that should be subtracted from the rest of the numbers. That would hike up the "race unknown" for citizens who made complaints to 30%.
- In past the reports have been incomplete, poor and erratic.
- HRC, please find a way to do something different. Move this work down the road.
- Citizen complaints are not sustained a majority of the time and we get an exact opposite result when cases are taken to court as evidenced by most recent cases.
- Please take down the bullet proof glass in the WPD reception, it is one of few police stations with the glass and would go a long way to improve police community relations.

Jo Hart & WPD:

- Back and forth about placement of cameras when people are in custody
- The city is responsible for storing data for at least 3 years?

Commissioner Kennedy put forward motion:

Requests that all recommendations and questions provided by Commissioners and public be submitted to both to the City Manager and Chief of Police.

Specifically request City Manager provide update on Coming Together Report(Police/Public Safety section) with what steps, iterations of feedback have occurred and recommendations adopted since that time. Also request timeline for body camera pilot program and future full scale implementation if that will occur. Please list components to be considered and what are the other considerations that will impact timeline. Commissioner Robinson seconded the motion. Motioned carried unanimously.

4. New Business:

A. Notice of Election of Vice-chairperson

Commissioner Berg Powers stepped down. The Commission is grateful to her years of service to the city. Acting chairperson O'Callahan asked all Commissioners to think about whether they are interested in taking on an officer position at an upcoming election.

B. Future agenda items:

- **Draft FY18 annual report**

Acting Chairperson O'Callahan announced that the Commission will draft the FY18 annual report to the city manager outlining our work, activities, recommendations and goals for upcoming year.

- **Planning for 2018 Eleanor Hawley Human Rights Award.**

Acting Chairperson O'Callahan provided all with a notice that it will soon be time to start planning the 2018 Eleanor Hawley Human Rights award. The award is given to a member of the community who has championed human rights. The award is held every other year and hosted and planned by the member of the commission on International Human Rights Day.

- **Discussion on FY19 goals**

Acting Chairperson asked all to reflect on the last year's work and goals and think about goals and work for the coming year.

5. Location of next meeting (August 6th, 2018): City Hall, Esther Howland Chamber

6. Adjournment at 7:38 PM.