

Chairperson

Ellen Shemitz

Vice-chairperson

Elizabeth O'Callahan



Human Rights Commission

Members:

Robert Bilotta

Guillermo Creamer Jr.

Randy Feldman

Bernard Reese

Drew Schnobelen

Jacqueline Yang

**City of Worcester
Human Rights Commission
Hybrid Meeting on January 27, 2025**

1. Call to order (6:00) introductions, instructions for public participation

Members present: Ellen Shemitz (Chairperson), Robert Bilotta, Guillermo Creamer Jr, Randy Feldman, Bernard Reese, Drew Schnobelen, and Jacqueline Yang.

Staff present: *Patricia M. LaFore*, Esq. Director of Human Rights & Accessibility

Call to order and roll call

Heritage history and land acknowledgement read by Drew Schnobelen.

Human Rights mission statement and key terms read by Jackie Yang

2. Commission Business

a. Approval of Minutes from December HRC meeting

Motion by Comm Reese to approve the December minutes.

Seconded by Comm Yang

Roll call- Yes- unanimous

b. Acknowledgement of February as Black History Month and reference to events calendar available on the Village website.

3. Presentation from Executive Director of Cambridge Human Rights Commission

Chair Shemitz introduced guest speaker from the Cambridge Human Rights Commission (CHRC): Attorney Carolina Almonte who serves as Executive Director of the Human Rights Commission, the LGBTQ+ Commission, the Commission on Immigrant Rights and Citizenship and the Language Justice Division for the City of Cambridge. Attorney Almonte provided an overview of the CHRC, which has been in existence since 1984 with a staff of three (the executive director, the attorney-investigator, and the director of operations). The CHRC is a city law enforcement agenda that investigates, mediates and adjudicates claims of discrimination, with a focus on employment, public accommodations and housing. The Commission staff supports 11 Commissioners who meet monthly to discuss human rights issues in the city of Cambridge. Commissioners also review staff determinations and settlement proposals on all claims of discrimination before they are finalized (with Commissioners rotating the responsibility to review case determinations). Commissioners are trained for this work of reviewing determinations by staff upon joining the Commission. Public hearings are few- the most recent was 13 years ago.

As a fair housing assistance organization, CHRC receives money from HUD which funds the salary of the attorney-investigator as well as covering travel and training. Any part of the budget not covered by HUD funds is covered by the city.

Attorney Almonte introduced Vanessa Lawrence who investigates and manages all claims, usually handling approximately 15-30 cases per year. 70% of the cases filed with the CHRC are housing related, often disability related. Employment cases represent the next most frequently filed matters with public accommodations constituting the smallest number of claims. Across all three types of claims, most also involve matters of disability discrimination.

A member of the public, Kevin K, noted that Cambridge like Worcester is a Plan E form of government, making the comparison of the CHRC and the Worcester HRC of great interest. He noted that both the CHRC and the Worcester HRC have subpoena power. He asked if the City Manager supported the work of the CHRC. Attorney Almonte says the City Manager is responsive to the Commission.

Commissioner Feldman asked about how the work of the CHRC overlaps with the work of housing court. Attorney Almonte explained the scope of jurisdiction of the CHRC and noted that when claims are presented to them that do not meet the jurisdictional requirements, they will help find legal representation for the claimant to go to housing court.

Attorney Lawrence provided more details as to the actual process of handling a claim. All cases begin with an intake form followed by an interview to assess jurisdiction. The attorney-investigator will then help the complainant draft a complaint. Once the complaint is signed, it is sent to the respondent who can file a reply. The case then either goes to mediation to resolve or a formal investigation is opened (usually leading to interrogatories to determine probable cause). If the investigator determines a lack of probable cause, the case is dismissed without appeal (although a case could be pursued in housing court). If probable cause is found, the staff pursues conciliation. If agreement does not result, then the case goes to a public hearing before the Commission (although such hearings are very rare).

The speakers also provided a brief overview of the work of the Police Review Advisory Board (PRAB) which investigates and hears cases involving discrimination by the Cambridge Police Department. PRAB will review complaints and conduct an investigation separate from the internal review of the Cambridge PD. The review and investigation process of the PRAB is similar to that of the CHRC.

Commissioner Bilotta asked about the intake form, which Attorney Lawrence then reviewed.

Commissioner Creamer asked about how the city ensures the public is aware of the availability of relief through the CHRC. The CHRC works closely with the communications office and the community engagement team. Commissioner Creamer also asked about how the city is preparing for any changes that may occur under the new federal administration. Attorney Almonte noted that the city is committed to the work so that if, for example, HUD funding were to be withheld under the new administration, the city would make up for the difference so the work would continue unabated.

Commissioner Yang asked about the terms of the Commissioners. Commissioners on the CHRC serve three-year terms with no limit on the number of terms (one Commissioner has served since 1991). To be appointed to the CHRC, there is an interview with the staff and at least one Commissioner (usually the Chair but it does not have to be) resulting in a memo either recommending/not recommending appointment. The application then goes to the City Council for a final decision. The City Council also votes on reappointment (prior to which the

staff/Commissioner file a new memo with the CHRC recommendation as to reappointment). Attorney Almonte stated that there has never been a time when they have recommended a candidate and the candidate is not appointed by the City Council. Commissioners all participate in a weeklong mediation training by an outside company. Sometimes Commissioners fly out to conference with staff, paid for by the CHRC.

After the guests signed off, Comm Creamer asked what steps the HRC could take to move the human rights supports and services available in Cambridge to our city. The Chair reviewed the three different options that the City Ordinances establish for residents to file a claim of discrimination.

Under section 6 of Article 15, the Director of Human Rights and Accessibility has the duty and responsibility to initiate complaints and investigations of discriminatory practices and report his or her findings to the commission and attempt mediation or conciliation of any complaint alleging discrimination. The Chair noted that the HRC has been pushing for more visibility/public outreach to ensure residents are aware of this option and for a regular reporting out on all such complaints/investigations to the Commission. She noted that a distinction between Worcester and Cambridge is that Worcester, unlike Cambridge, does not currently have a process whereby a finding by the Director is reviewed by the Commission before it is finalized.

Under section 7 of Article 15, the Investigations Division has the duty and responsibility to initiate investigations of discriminatory practices and to investigate human/civil rights complaints filed against a city employee by a city employee or a member of the public.

Under section 10 of Article 15, the Human Rights Commission has the duty and responsibility to receive and investigate complaints and to initiate its own complaints concerning the presence in the city of prejudice, bigotry, discrimination - except that any allegation involving the conduct of a city employee must be referred to MCAD. Under this section, the Commission is able to task the Division of Investigations with conducting investigations on its behalf. She noted that this duty/responsibility has not been exercised in the recent past. She suggested that the issue before the Commission is to determine what changes in practice need to be made so the Commission can indeed exercise this responsibility and provide this service to city residents.

Comm Feldman asked the Director her opinion about how the City could staff up to support the kind of work being done in Cambridge. The Director stated that she has been looking into this but is not prepared to discuss as yet. She stated that she could not even find a fair housing ordinance in Worcester. She stated that the office currently provides referrals to residents who present housing issues, referring them to legal aid for support and help. The Chair stated that she has spoken to the CEO about the importance of a reporting process from the EODEI to the Commission so that Commissioners know the number/type/outcome of cases coming into the office. Comm Feldman noted that making referrals is different from handling cases internally and that the CHRC made the case that they act quickly and get results. He expressed his hope that the EODEI can do more than refer and instead actively help solve people's problems. He noted that this is what the City Manager asked the Commission to help advance.

Comm Schnoebelen asked the staff liaison to research and report back to the Commission on the fair housing ordinance(s) in Worcester and how that ordinance(s) relate(s) to the human rights policy and the work of both the EODEI and the HRC. The Director stated that she would report back to the Commission before the next meeting.

4. Updates and Discussion

a. Update by Chair on weekly meetings with Chief Equity Officer

The Chair reference her memorandum summarizing her three meetings with the Chief Equity Officer(CEO). She noted that they have reached agreement about attaching all documents sent to Commissioners for reference during the meeting to the minutes and that work is underway to upload all documents to past minutes from May 2024 to the present (documents were routinely attached prior to that date).

She noted that the CEO is setting up monthly meeting between himself, the Chief of Police and the HRC Chair. She submitted four questions for discussion for the first meeting (which will take place on 1/30/25) as follows:

1. Asking the Chief to reconsider his rejection of the recommended changes to the Use of Force policies as submitted by the HRC and as validated by the findings of the DOJ report;
2. Asking the Chief to explain the changes in policy and practice he has instituted to address the concerns raised in the DOJ report with respect to supervisors conducting investigations of use of force incidents rather than such incidents being handled by BOPS;
3. Asking the chief to issue a directive that race and ethnicity data be collected with respect to all use of force incidents and for all pedestrian and traffic stops as previously recommended by the HRC- and that such data be made available on a quarterly basis to the HRC- with such data to be provided in excel spreadsheet until the new data system is up and running; and
4. Asking (again) for a hand count of the outcome of recruit background checks disaggregated by race/age/gender/ethnicity for the past three years.

Commissioner Bilotta asked if the discussions with the Chief of Police could also address the question of community engagement, seeking more information about what kind of community dialogues are happening.

b. Discussion of HRC matters raised at City Council Meeting of 12/17/24

The Chair reviewed three matters involving the HRC which were discussed at the City Council meeting of 12/17/25. The first related to the posting of all attachments with minutes. The City Manager confirmed the appropriateness of that practice and it has now been resolved as noted earlier.

The second was the City Manager's explanation as to why he has not yet released the police misconduct and hate crime records requested the HRC. He indicated that at first, he did not release them because the DOJ investigation was pending and now, he is evaluating the capacity of the HRC to review the document and the capacity of the city solicitor to redact.

The third related to the City Manager statement that the HRC does not have the authority to investigate the WPD. The Chair quoted the CM as stating: "The HRC does not have the authority to investigate the police department. They have a right to investigate individual complaints but they cannot investigate any department, any municipal department."

The Chair stated that she found this statement troubling as it does not appear to be consistent with the City Ordinance which allows the HRC to review both individual complaints to assess if the investigation/outcome was consistent with the city human rights policy but also to review internal investigatory files to assess if the overall policy/practice of the department was consistent with the human rights policy of the city.

Comm Feldman noted that no one disputes that the HRC has the authority to investigate individual cases but that the dispute is over our broader investigatory authority to investigate the WPD or another department.

Taking the example of cases involving the WPD, the Chair noted that there are three different buckets of cases: (1) complaints against an officer or officers (which the HRC cannot investigate but the Division of Investigations can and now does), (2) complaints alleging that the WPD investigation/resolution of a complaint violated the human rights policy of the city (which the City Manager has conceded is within the authority of the HRC) and (3) complaints alleging that the general way in which the WPD investigates/resolves complaints (that is a pattern and practice type of complaint) violates the human rights policy of the city. She stated that the City Manager is suggesting that the HRC does not have the authority to do that third type of work and that such a suggestion is deeply troubling.

The Chair asked if the Commission would like to consider a motion to request clarification from the Office of the City Solicitor as to the scope of the authority of the HRC to investigate any city department and to make recommendations to the City Manager based on the human rights ordinance of the city.

Comm Schnoebelen noted that in a recent City Council (12/17/24) meeting the City Council voted unanimously to order the City Manager to honor the priority of the HRC to investigate the Worcester Police Department. The Chair suggested that given that vote, there was no need for the further inquiry into the issue as it had been resolved by Council. Comm Feldman noted that he would like the City Solicitor to have to make her case for why our work investigating the Worcester Police has not been allowed to go forward to date.

c. Response to HRC memo submitted to CMs Office regarding December HRC meeting motions

The Chair asked the Director of Human Rights and Accessibility if she had received any response to the memo submitted to the CM relaying its motions as enacted at the December HRC meeting and she indicated she had not.

Motion by Comm Yang to resubmit the prior request to the City Manager to provide information to the HRC concerning any civil rights complaints or settlements that have been filed against/entered into with the City of Worcester from January 2022 to the present that involve allegations of police misconduct including allegations of use of undue force, discriminatory policy and/or sexual misconduct.

Seconded by Chair Shemitz

Roll call- Yes- unanimous

Motion by Comm Feldman to request that the City Manager release all individuals subject to non-disclosure clauses in agreements which allege violations of civil rights or police misconduct.

Seconded by Chair Shemitz

Roll call- Yes- unanimous

The Chair asked the Director if the CM had provided any response to the HRC request for information of any changes in policy or practice either already made or planned to be made in response to prior HRC recommendations with respect to the WPD (noting that the December motion included a listing of all such prior recommendations). The Director stated no response had been received. Commissioner Yang asked why we keep submitting these motions and receiving no response. The Chair noted that part of the value of the

Annual Report is to inform and empower the public, elected representatives and the press to ask hard questions about what changes have been made in response to HRC recommendations. Commissioner Yang stated that the lack of response from the City Manager makes the work feels performative and is disrespectful to Commissioners who are volunteering their time. Commissioner Bilotta noted his frustration seeing HRC recommendations fall flat, particularly in light of the issues and concerns raised in the Equity Audit and the DOJ report which align with the past recommendations of the HRC. He noted that the upcoming meetings with the Chair, the CEO and the Chief of Police are one bright spot. Comm Feldman stated that in his opinion the work of the HRC is not performative but rather advisory and that the work has legs when it is taken up, for example, by City Councilors, and that as a result the HRC does move the needle. Comm Yang noted that the HRC cannot advise if it is denied access to information.

The Chair asked the Director if she had received any response from the City Manager as to the recommendation for the creation of an emergency regional task force on housing and homelessness. No response has been received.

Motion by Commissioner Schnoebelen to resubmit request to the City Manager that he take action to form an emergency regional task force to address the pressing challenges of housing/homelessness in the city and the broader region.

Seconded by Comm Feldman

Roll call-Yes-unanimous

Comm Creamer raised the question of how the Commission should address the ongoing failure of the Administration to reply to requests and recommendations of the HRC. He asked specifically for more information as to where the lack of communication stems from, that is at what level of city government. Comm Schnoebelen noted the need for more regular communication with and updates from the CEO as to his conversations with the City Manager around HRC requests and recommendations: that is, how does the City Manager respond when the CEO presents him with the HRC motions.

Motion by Commissioner Yang to direct Chair to ask CEO to meet regularly/quarterly with the full Commission and to report out on the Administration's response to the specific requests and recommendations for changes in policy and practice as voted upon by the HRC and conveyed to the City Manager in monthly memoranda.

Second by Comm Feldman

Roll call-Yes-unanimous

d. Update on Policy re: HRC Requests to Release Statements

The Chair asked the Director of Human Rights and Accessibility about the status of the new policy for Commissioners releasing statements to the public. The Director confirmed that the EODEI is continuing to work with the CM on that policy but it is not available as yet.

e. Update on Applications for new HRC Commissioners

The Chair asked the Director of Human Rights and Accessibility about the status of any new applicants to the HRC. The Director indicated no new applications have been received.

Motion by Comm Yang to request that a member of the HRC be included in the HR/EODEI portion of any applicant interview for candidates for the HRC and that a memo noting the recommendation as to whether to advance the candidate to a final interview with the CM be provided to the full HRC.

Seconded by Comm Feldman

Roll call- Yes- unanimous

f. Director update on intake form/draft rules of procedure for hotline, for citizen complaints to Investigations Division, for complaints submitted to HRC

The Chair noted that she has been informed by the CEO that his office is in the process of coming up with policies and procedures to support such investigations and to report out to the HRC. She suggested that this topic remain a standing item on the agenda until such time as the process is finalized.

g. Update on HRC postings on the website

The Chair noted that agreement has been reached. Updating the city website to upload all documents and minutes remains a work in progress.

h. Update on actions taken to advance Civilian Advisory Board

The Chair stated she is unaware of any concrete action taken on this item. The Director had no update on this item.

i. Update on WPD Policy Review Committee

The Chair stated that the WPD has reformulated its policy review committee under the leadership of Deputy Chief Davenport. A two-tier review process is being created that will involve the CEO and the HRC- although details of how this will work are still under consideration.

j. Further discussion of DOJ report

The Chair noted that she has spoken with attorneys from the DOJ and that all work is moving forward, with active engagement in negotiations by the City of Worcester.

k. Discussion of Councilor Nguyen Complaint re Discrimination

The Chair referenced the complaints of discrimination raised by both Councilor Nguyen and Councilor Haxhiaj.

Motion by Comm Shemitz for the HRC to issue a statement as follows: “The Human Rights Commission stands committed to our mission to ensure that all city residents are treated fairly and equally, by eliminating bigotry, discrimination, intolerance and prejudice. The allegations of misgendering raised by Councilor Nguyen and the allegations of attacks upon the background of Councilor Haxhiaj, if confirmed in the EODEI investigation, would constitute profound acts of transphobia, misgendering, dehumanization and discrimination that violate the explicit human rights policy of our city. Such actions should have immediate consequences that (1) make real Worcester’s stated commitment to diversity, equity and inclusion, (2) ensure that all city staff are treated with dignity, (3) assure accountability for

acts of hate and discrimination, and (4) ensure our government becomes more inclusive and equitable in practice and not just in policy.”

Seconded by Comm Yang

Roll call- Yes- unanimous

1. Review/discussion of Draft HRC Annual Report

The Chair asked that Commissioners provide any suggested edits in writing sometime over the next two weeks (by sending to Pat to forward to the Chair), so that she can incorporate those edits and present a final version to be voted upon for adoption at the February meeting.

m. Ideas for Upcoming Meetings

The Chair suggested that the next meeting take up the policy recommendations offered by the Homeless Outreach Team and that it consider inviting Sathi Patel, of Project Priceless, to address the need for a women’s shelter, and Nathan Sabo, of the Zoning Board of Appeals, to address needed changes in city zoning to allow for more affordable housing. Comm Feldman suggested that Peter Dunn also be invited. The Commission agreed. The Annual Report will also be finalized at the February meeting.

For the March meeting, the Chair suggested inviting a representative of the Cambridge Police Review Advisory Board as well as having a discussion about best practice policies around effective civilian review boards. The Commission agreed.

5. Presentation re WPD Overtime Policy by Comm Feldman

Postponed to February meeting.

6. Executive Session- Update from Legal Counsel on HRC Document Requests

The Chair noted that the Commission received a memo from the City Solicitor earlier in the day indicating that the Open Meeting Law did not permit the Commission to go into executive session because there was not active litigation and because discussion with outside counsel could not be deemed litigation strategy as the Commission was not permitted to hire outside counsel.

The Chair spoke with outside counsel who did not want to meet in open session as any such meeting would involve discussions of litigation strategy. The attorneys did provide an update that although they had sent a demand letter to the City Solicitor and been told they would receive a response by the now-former City Solicitor, they did not receive any such response. They then forward the demand letter to the current City Solicitor and were told they would receive a response; however no such response has been provided.

Comm Yang suggested tabling discussion of this matter to the next meeting.

7. Adjournment

Motion to Adjourn by the Chair

Seconded by Comm Yang

Roll Call- Yes- Unanimous

Adjournment at 8:43 pm

Attachments for January Minutes

Monthly Memo to CM re: HRC motions

Chair Memo re: meetings with Chief Equity Officer

Draft Annual Report and Appendix

Listing of Policy Requests from HHS Homeless Outreach

Article on Councilor Complaint

Article on Police Civil Rights Settlement

Article on response to DOJ

AG piece on OML

City Solicitor memo on OML