

City of Worcester Human Rights Commission Minutes
VIRTUAL & IN-PERSON MEETING – Monday, October 18, 2021, 6:00pm
District 1 Listening Session on Police Body Cameras
In person at MA League of Community Health Centers, 16 Brooks St. and Zoom
ASL and Spanish interpretation provided

Video available: <https://play.champds.com/worcesterma/event/994>

Members Present: Jacqueline Yang, Elizabeth O’Callahan, Lilian Chukwurah, Jorge Lopez-Alvarez, Edward G. Robinson

Members Absent: Deidre Padgett, LaToya Lewis, Guillermo Creamer Jr.

Staff: Jayna Turchek

Guests:

Captain Carl Supernor, Worcester Police Department
Lt. Sean Murtha, Worcester Police Department
Attorney Janice Thompson, City of Worcester Law Department
Sean Rose, District 1 City Councilor

Background documents/ documentos de antecedentes:

- www.worcesterma.gov/uploads/05/50/05505ce4e1caaaeb8993a5e5daf65bdd/body-worn-cameras-pilot-report.pdf
- www.worcesterma.gov/wpd-policy-manual/operations/body-worn-cameras.pdf
- www.worcesterma.gov/agendas-minutes/boards-commissions/human-rights-commission/2021/20210712.pdf
- <https://play.champds.com/worcesterma/event/891>

1. Call to order and Introductions

A quorum was established, and Chairperson Yang called to order. The Chairperson welcomes members of the commission and those present and introductions of those in attendance as well as roll call were taken.

Chairperson Yang began with an acknowledgement of the traditional, ancestral, territory of the Nipmuc Nation, the first people of Massachusetts and those who’s land we are convening on tonight. While the Nipmuc history predates written history, records from the 1600s inform us that the original inhabitants of Worcester dwelled principally in three locations: Pakachoag, Tatesset (Tatnuck), and Wigwam Hill (N. Lake Ave). It is important to make this acknowledgment and to honor the ancestors that have come before us. It is all too easy to live in a land without ever hearing the traditional names and the history of the people who first resided and prospered in these lands and continue to reside and prosper.

The Human Rights Commission was established to promote the city's human rights policies. It is the policy of the City to assure equal access, for every individual, to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals in the city. Our work requires us to address institutional racism so that as a community we can achieve racial equity. Our work also requires us to make visible the unheard, unearned, and unquestioned privilege enjoyed by some members of our community to the detriment of others. We take time to make this acknowledgement, to educate, so a path can be cleared for healing.

The term “**institutional racism**” refers specifically to the ways in which institutional policies create difference outcomes for different racial groups. The institutional policies may never mention any racial group, but their effect is to create advantages for whites and the oppression and disadvantage for people from groups classified as people of color.

The term “**racial equity**” is the active state in which race does not determine one's livelihood or success. It is achieved through proactive work to address root causes of inequalities to improve outcomes for all individuals. That is, through the elimination or shifting of policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or fail to eliminate them.

The term “**privilege**” describes the unearned social power and informal institutions of society to all members of a dominant group. For example: “white privilege” and “male privilege.” Privilege is usually invisible to those who have it because we are trained to not see it but nevertheless it puts them at an advantage against those who do not have it.

2. Public Comment

Sean Rose: Welcome everyone to our District One body worn camera listening session. Thanks to the Human Rights Commission, Worcester Police Department and our neighborhood leader Kathy, our interpreters, and the law department. I ran an initiative last year, a renewed initiative, it was not mine, it has come up a few times. As it relates to body worn cameras, with the support of my colleagues and both police unions, with some of the safer (?) forms that have come through and the yearning for public input. Here we are tonight. I love forward to your questions, your attentions and your participation to get any answers, questions, concerns or worries out here in the open for us to be able to address. Thank you all for being here tonight.

Jenny Pacillo: when you guys did the pilot program, it says in the collective bargaining agreement, that officers, other then those wearing the cameras, as well as those wearing the cameras were given a lump sum of 250. I have a two-part question for this. My first question is: why did the entire police department need a bonus for a pilot program? My second question is: is there going to be another one-time bonus or yearly bonus if we go ahead with this program and why is this necessary?

Captain Supernor: As you mentioned, and as you are aware, we have the patrolman's union, the official union and so any time there is a change to our working conditions, they have a right, duty and obligation to negotiate that and that is what came out of the pilot program. That negotiation for that one time stipend. I would expect that same type of negotiation will take place if we move into a fulltime implementation. It is just part of the union department rights.

Jenny Pacillo: If it is a program that helps you and is really for your benefit, why are you getting paid to do it?

Captain Supernor: Like I said, that would be a question, not from the police department perspective, but from a union perspective. I do not want to sit here and put on a union hat at this meeting. With everything that we do, the union does have a right to negotiate and bargain in good faith with this city. I think that has gone on for hundreds of years. They do have that right and that will work itself out at the negotiation table.

Jenny Pacillo: Why would new cell-phones for the entire department be needed when it says it is just an app that Axxon puts on to make it more convenient to not be at a desktop?

Captain Supernor: The equipment that we used was Axxon, if that ends up being the same company, the recommendation would be to have work phone for all who have body cameras. The technology could be enhanced and used effectively through a cell phone and because it is business equipment, to ask any officer to use their personal cell phone, that would become discoverable or potentially discoverable in any kind of court case or public records request. To have a work phone to augment the technology of the body cameras would just enhance the program.

Jenny Pacillo: So, if you have a bodycam shouldn't only your supervisors need a cell phone to watch your footage or see what you are up to?

Captain Supernor: No.

Jenny Pacillo: Every cop needs a new cell phone?

Captain Supernor: It was a recommendation. We saw that, based on the technology that came with Axxon body cameras, there were a lot of features that would enhance the program. Its like when you buy a brand-new car, it has all these features, you never use all of them, or some people don't use all the features and they get wasted. The recommendation was a work cell phone would enhance the product and allow more features to be used. Without the cell phones, the cameras would still be effective but wouldn't use all the features.

Jenny Pacillo: Thank you. In terms of turn around time for public to have access to this footage... so from what I understand, footage will be reviewed by a fellow police officer. You need a whole new department to do this. My question is with transparency. I feel like it is really hard to get information from you guys now. Sometimes it can be very difficult. So, why would

this be any different? This is like an \$11M program over 5 years. How can promise us, I guess, that we will get transparency and accountability?

Captain Supenor: Basically, nothing is changed with the state law, and a can refer to the law office, but nothing has changed. It is still a formal request, a public records request. All video, unless there is identified exemptions will be considered and determined to be publicly accessible as a public record so it can be obtained unless we identify an exemption. We don't see any difference with the pilot program or moving forward. The public records law will still dictate how that process works and that can be done in that time and fashion that's what will be done.

Jenny Pacillo: Finally, what is the course of action if a police officer turns his camera off?

Captain Supenor: Currently, we don't have a program in place. Part of this listening session is to hear from everyone and adapt a new policy and procedures moving forward if and when we do a full implementation. Within that, those questions would be answered. You would have to find out: should the camera have been on? Was it on? Why wasn't it put on? And based on those answers there would be some type of corrective action. Whether it be just new training because the officer forgot. It was a high stress situation and he forgot to turn it on because of the situation he was involved in or he did it intentionally, then there would be some type of discipline. There are a lot of variables you would have to look at, but if it was identified that the camera was not turned on, we would look and ask those questions then handle it based on the responses.

Jenny Pacillo: But you don't have anything yet so you will wait until the program is enacted to come up with a course of action?

Captain Supenor: It would be done, I am assuming, prior, we want the policies and procedures in place prior to turning the cameras on. But yes, we already had a pilot program with a policy and we will work off of that but work with this commission and the community to develop a new policy.

Jenny Pacillo: Oh, so you will do more listening sessions?

Captain Supenor: This is the last of the five.

Commissioner Creamer: Just a quick point of clarification. You are allowed to give us suggestions. Jayna, can you remind us when the commission will be sending the final report?

Jayna Turchek: We are receiving public comment until this Friday, October 22nd. Anyone that is here or watching us can submit those comments, recommendations, by email at humanrights@worcesterma.gov. The commission will review the summary and draft of the recommendations at their upcoming meeting.

Commissioner Creamer: So, to elaborate on that, you as a resident has a suggestion, or you as a resident have come across something that other cities are implementing, you are allowed to send

us an email and say “this is something that I would suggest” and we as the commission take a look at it and include it in our findings for the (inaudible).

Jenny Pacillo: In the report that you are going to give to the police, it is just a suggestion, right? Ultimately you will do what you want at the end of the day?

Commissioner Creamer: Is the City Manager the one who gets the final proposal or is it the police department?

Jayna Turchek: The Human Rights Commission reports to the City Managers so the report will be provided to the City Manager and the City Manager will work with the administration to prepare a draft policy and budget for the program. Then, of course, it will go to the Council for discussion and approval.

Jenny Pacillo: Ok. Great. What is the timeline?

Lt. Murtha: I think, we don't have an exact month, but the start depends on the city Council. There are decisions that have to be made about: how many officers should have cameras. The City Manager I have seen has said there will be a program at some point next year. I think that is what we have right now, some time in 2022.

Sean Rose: I just want to touch on a couple of the comments. You referenced people getting paid more to have body cameras. Anytime you go to negotiations, you have job responsibilities to agree to that. That is the function of how you get paid and different policies and practices. So, now we are saying we want the police department to add more things to their job description which creates what gets negotiated and bargained in terms of costs. There is going to be a cost associated with this, whether people agree with that or not. It is just the way that unionization works. You had also mentioned a little bit about policy. What I will say about that is, well I have done my homework around this, we have had neighborhood meetings and so on. This initiative is only as effective as its policies. If we allow people to turn cameras off, if we allow this to marinate over periods of time, it isn't its justice or its service and so I think that this city, collectively, has been really good about policy. As it relates to some of these newer initiatives, diversity policy, some of the most aggressive policies for a city our size on this side of the Mississippi, I feel very confident that we will all be able to collectively put together a really good policy to alleviate some of the concerns that you reference like no turning cameras off. There are some logistical things, in terms of the phones and things like that, I think, those are things that are going to be assessed over time, but I think that at the end of the day, the policy is going to be equally important as any of the logistical things. I can assure you that there are a number of us that are going to be really aggressive in making this policy as we were with some of our other policies. This is one of five listening sessions, there is a lot of data, insight and information. We have our law department here. We want to vet out all of these different things. The idea around this is being able to bring forward these recommendations from residents, and concerns from residents, in a way that we could really establish this policy.

Jenny Pacillo: I guess my thing, with the bonuses, is like, teachers don't get bonuses. They all had to teach remotely and teach hybrid in classrooms and I don't think they got bonuses for that. I feel like with a job, you always have things piled on you. I've been a waitress forever and no one ever gave me a bonus to add something to my job. So, for me it is just kind of .. eh... you know what I mean?

Sean Rose: I can give you a good example of that. I am a non-profit president, C.E.O., and we have a client that is really difficult this time and sometimes this prevents him from going different places. My agency issues direct care staff. If we were then asking our staff to go into a physical intervention, or something along those lines that was a significant change in their work responsibilities then we would negotiate what that looks like. This is not much different from that. That is where it comes from. (inaudible) how concrete and finite these articles and agreements are when it comes down to collective bargaining, it's a little different.

Maya Disi: I come from a science and engineering background, and we are looking for alternatives in analysis and making sure that everything we do is objective driven. So, my question is, what specific objectives do you achieve with this particular innovation? What are the other ways, maybe, communities like ours are achieving meeting those objectives without body cameras?

Lt. Murtha: I think the number one most important objective we have of the pilot program was to just capture critical incidents. When a major thing happens, involving police action, or anytime there is something in progress, people, I think, we like to see it and the public likes to see it. They expect at this point to see what happened. Both to see if the police are acting appropriately and to see that the situation was handled well or not well as the case may be. I think an objective reporting of these serious incidents, when they do happen, is the most important. There are other benefits, I think, one potential benefit being de-escalation. We noticed there were times, during the pilot program, where someone would get worked up talking with the police officer, whether it be a domestic dispute or something else where the officer told them they were going to be arrested, sometimes people get emotional, maybe they want to fight or runaway, sometimes being on camera, when they saw the camera there, people calmed down. I think it can keep people's emotions in check a little bit and can prevent some conflict from happening. That is something we saw at times. Certainly, not every time, but it happens, even sometimes, and I think that is a benefit. Another one is for training. There has really never been anything like this in policing, where we, as an administration, can see everything that happens just as it happened during the day. We can go over that and find out exactly where the training points are to improve and find out what officers are doing well and what they are doing not as well. As a training tool, I think its tremendous. During the pilot program we had an active shooter training. It was very realistic, with people screaming, people with fake weapons popping out at you, really putting the officers under stress and making it as real as possible. Some of them wore body cameras and watched their performance under that stress. They saw exactly what they did well and what they may have missed because of the stress that they did not see at the time. They were able to assess their own performance and hopefully improve. I think another one is community confidence and transparency. The majority of the footage will be public record.

People will be able to see what their police department is doing. Another one is resolving complaints. A lot of time and effort goes into resolving complaints we receive and quiet a few of them would be easily resolved just by watching some camera footage. Those are the potential benefits. There are some drawbacks, but these are several of the objectives.

Maya Disi: How do you meet some of those objectives now in the absence of bodycams or how are your peers in other communities achieving those objectives?

Lt. Murtha: The first objective, and the most important one, is very difficult to achieve without some kind of footage. There are cameras everywhere today. Businesses have cameras. The city has cameras. There are cameras in all places. When things do happen, a robbery, a big fight, a lot of times it is on camera, but not always. I think the public has decided, not everyone, but overall in the country, there has been a movement toward wanting to see exactly what police are doing. It is very difficult to do that without body worn cameras because there are not always going to be cameras in those places. We have witness, police reports and other things, but I think, most people can agree that there is nothing as comprehensive and objective as a camera that records everything. That is just nearly impossible to achieve without this same level. With complaint investigations, we have been investigating complaints for a long time. There are a lot of techniques to investigators have that have worked out over the years. A lot of the time, at the end of the day, it comes down to one person said one thing and another person said something else. If you have a video showing the entire interaction that is superior to the word of people. Memory is not always perfect either. An objective memory can (inaudible) .. as time goes by. With training, we have many training strategies. We have been providing training for a very long time and are always trying out new things, but just like an athlete records every game they play, there is a difference to being able to go back and look to see exactly what you did well and what you didn't. Not only from an administrative point of view, but for self-assessment for the officers is also very valuable. There are definitely other ways to de-escalate instead of cameras. We have verbal techniques and other things that can work.

Maya Disi: I just want to make sure that objective is a word. I know there are sometimes when the objectivity provided by a camera didn't always provide all the context anyway. I just want to make sure that is said and I just want to reiterate what Sean said a minute ago and what Jenny was talking about which is this issue of transparency and the importance of the policy and process so that folks feel like their taxpayer dollars are being used for all of the objectives you just mentioned in a way that seems fair and inevitable.

Lt. Murtha: Very quickly. The cameras and the video certainly are not the whole story. But I think it is a very valuable piece. That is why we still have police reports after this. It is not going to take the place of reports. There has to be context. There has to be things that are not captured on the camera. If I turn to the side and talk to someone it is not going to be on the camera necessarily, but the camera is a valuable piece of evidence.

Commissioner Creamer: I remember you saying in another listening session that officers are recommended to write down what happened in a report then the report gets put to the side and they can observe what they did but they cannot re-write the report correct?

Lt. Murtha: that was for use of force. During use of force, the officer is required to write down everything they remember based on just their memory. Then they watch the footage and they can add a supplemental report.

Commissioner Creamer: For clarification, what happens if the report and the video are completely different? What type of policy should we put forward to make sure what happened is said to be what happened?

Lt. Murtha: with the video it does provide a very clear picture, so at times, if someone writes something down and watches it and if they weren't trying to deceive anyone and they just remembered wrong they would then write a supplemental saying that after they viewed the footage they thought this was the case by memory but clearly on camera this is what happened and their memory is incorrect. That is one of the benefits of the camera. In some ways it is better than memory. It is not perfect and there are things the camera does not pick up but there are times under stress where you might not remember things exactly how they happened and the footage can help with that.

Jenny Pacillo: So, the only time the officers will not have access to their footage when writing a report will be during a use of force incident?

Captain Supernor: This listening session is to hear your recommendations so if you think a police officer should see their video every time, we want to hear that. If you think a police officer should never see their video then we want to hear that, or the Commission wants to hear that. What we can tell you is that during the pilot program, it was the policy then, that the police officer recording the video was allowed to watch all of their videos. There were just some discretion, depending on what type of incident it was, whether he could watch the video prior to writing the report or after writing his report. But there was always a report. We had a policy in place for how that worked but the commission wants to hear from the public whether you think that is right or wrong or what your suggestions are.

Rick Sapporo: I am the president of the International Brotherhood of Police Officers here in the city of Worcester. I am also a certified police trainer with Worcester Police Training Commission. I am here to talk as a Union Official. To answer some of the questions regarding collective bargaining rights; it is a change of working conditions. That is just how it works. To get the pilot program we were negotiating with the city for that and we did get a small stipend for us, for our officials. It was only those police officials that participated in the program. We had several police officials that did that. Not every police official received a stipend.

Jenny Pacillo: How many would you say?

Rick Sapporo: I forget how many exactly but I think there was (inaudible).. those were all in the operations division where they all work. we had a couple of others that (inaudible) involved in the body program. Out of 87 officials only 20 received that stipend. It seemed a little bit large but we only had 20.. (inaudible)... what they had to do. It is a change of working conditions so it must be bargained. Other police departments around the state all have collective bargaining. For any department that has a body camera program if you see, they have bargained for that. (inaudible).. everyone wants something. There is not one set way of saying “hey I am going to get this money, or this thing” there is all different ways in which it can be introduced into a contract. Its not just money. You talked about the phones, I think that was covered. You should have the phones if they have that purchased by the city again. To use an app on your own personal phone would make it subject to public records requests and police officers are not going to give up their personal phones when they are actually using it for departmental, city, purposes. There are police officers, police officials that do have city phones currently and the app can be downloaded on those but not everyone has a city phone. The reason for the app is so you don’t go to the desktop because after you view it, you have to put in the I numbers there is some manipulation that has to be done so if you can do it remotely and quickly on a phone, especially for those officers that are motorcycles, foot beat officers, horse officers, a mobile app on a city phone will be very very beneficial. We would ask that that would happen. You talked about transparency. When would these be, from a union prospective and an evidentiary prospective. The video would be viewed but it would have to be looked at by this group, we would be asking for a whole different department, a whole different division within the police department so that they would be able to view the video. There may be domestic violence issues in there. There may be children. There may be certain things that have be blacked out before it is released to the public for viewing, number one. Number two, is we have to talk to the District Attorney because some of have evidentiary value that cannot be immediately released to the citizens because it could be part of an on-going, or a court case, that they feel if evidence gets out there it could be damaging their cased. So, there will be certain reasons why that tape will not be released immediately. Now, we have seen around the country that sometimes an immediate release would be great right? And some things can be because that proves the transparency. But you have to be very careful when you talk about that. It is not just working with the police department and the city of Worcester, I think one thing that we have to make sure is that we are working with the total criminal justice system on this. Specifically, with the District Attorney’s office (inaudible) so some things might not be readily released. Just as the City Manager says “oh, lets release it” we have to talk to the DA about that and those types of things. I think people need to keep that in mind. I am here to tell you that I support the body worn camera program. I think it is a long time coming. I think that it should have already been enacted. But I also support that every police officer and every police official gets that body camera and that it becomes an issued part of our equipment, much like our sidearms. Because with this particular option, we also can expand our taser program. People are not familiar with taser but it is a proven de-escalation tool. Not only are the cameras a de-escalation tool but our tasers are also a de-escalation tool. That will improve upon what we need to actually protect and actually de-escalate situations in the city of Worcester. I have listened to a couple of other session and I am sure through your readings and what not that you have heard a bunch of opinions and different studies that are going on concerning the use. Some studies have been just set aside due to the scope and the protocol that

wee used for them but there is one that sticks out and I ask you to look into this. It is the (inaudible) study and it is the preeminent studies on body worn cameras. It is randomized controlled protocol which was put in place. The experiment found that when police were equip with cameras during their test period, use of force incidents and citizen complaints against officers were reduced by 50% and 90% respectively. That is a big drop.

Chairperson Yang: Are these your recommendations?

Rick Sapporo: Yes. My recommendation is I am support of it. I am using my recommendation to say why I am support of it. It is very important, I think, that people understand where we are coming from, as a union. We do support it and this is why. Some of the things we've touched upon in here but I think that we have to hear from the union prospective because we represent those 87 police officials. Just so you know, there is also a scientific, several other studies for body cameras and what they found was that police officers actually make more arrests when they have the body cameras on. There are also few complaints lodged against them. There have been recent randomized control studies, which are considered the scientific gold standard, for evaluating such programs. In 2017, the National Institute of Justice Support with researchers from public research organization conducted the same randomized control in Los Vegas, on a large metropolitan police department with a lot of incidents out there. They found that officers who wore those cameras generated fewer use of force reports and fewer use of force complaints. In addition, officers wearing body worn cameras had higher numbers of arrests and citations then those without body cameras. The same study, the University of Los Vegas, when they were doing a study for their citizens and respondents were very supportive of the cameras, which I think in the city they are. 85% of the sample thought that they should wear body cameras and agreed that police would behave more effectively when they have the body camera on and misconduct would go. That was actually shown in many of these. They also believe the body worn cameras will improve transparency. That is one of the big things we talk about. Citizens will have a greater trust in police. There are five reasons I think that you have to understand how we should have the body cameras. You spoke about how other communities handle this. The body cameras highlights what actually happens during situations. The body camera is always running. When you press the button is when it starts recording. It is on a 30-second loop, always running. Once it is pressed it is picking up those 30 seconds prior. It is going to give you a little bit more information than someone holding a cellphone or from a camera on a building or what not. That is key and it is going to give you the whole situation, not a 10 second media clip that you find on a YouTube.

Commissioner Creamer: Are you making these recommendations are a resident or as a union rep?

Rick Sapporo: As a union rep.

Commissioner Creamer: Can we shift to being as a resident you are making these recommendations? Because I think as a union president you have your opportunity to do that, separately, isn't that correct?

Rick Sapporo: That's right. This is a public listening session so I think the public needs to hear how the union feels on the body worn cameras. I don't think people would disagree on that. I hear a lot of talk on union stuff here, so that is coming up. We agree with this. This is what we want. As a citizen, of course I agree with it also. But from a union prospective, I think the citizens need to hear how the unions feel because the unions are always portrayed as not wanting to work with the city on certain things. That is not the case on body worn cameras. Ok so the recommendations are yes, to the body worn cameras. That every police officer gets it. I thought this was public testimony to hear why you should have them because it is still a question of whether we are going to get them. People are pushing but is it a done deal that we are getting body cameras? That is an unknown.

Speaker: I thought it was confirmed.

Rick Sapporo: I don't know if its been confirmed. We have not heard that on our end. We are listening to these listening sessions to see if we are going to get them if we are going to pay that money to get them. Everyone is talking about that. Is it worth money for this and I am saying it is because of this and people need to know, really, what it is. So, I guess my recommendation is that (1) we get them (2) we purchase the one that comes with the tasers, and (3) that we develop our policies and procedures. Unions will be heavily involved with negotiations for getting them, which we are for, but we will also be heavily involved in any policies and procedures that come out with this. Hopefully we are going to push for another division. One thing that I want to make clear, I like to tell people this, from a citizen prospective, police officers have one thing, we use a lot of discretion, if you are wearing the body camera you are going to lose discretion. When I say discretion, I mean if I pull over the Mayor of the city of Worcester and I have my body camera. He is speeding. Sometimes you'd give a verbal warning, a written warning, several different things. The reason I talk about there being more arrests is because discretion goes out the window when you have body cameras. Everyone is treated the same. That is why citations go up with body cameras. Arrests go up with body cameras and use of force incidents and complaints go down, which are good things. Which saves the city money.

Speaker: And you recommend all officers wear body cameras?

Rick Sapporo: Yes, and I will say why. Because they issue it to you as a piece of your equipment, it is recommendation, because many police officers are on the street. Not on regular patrol but they are out working, maybe overtime shifts or on details. You have that body camera at all times because many times our officers on details are complained about. This will give them a tool to either confirm or deny those complaints but also, many officers on detail or on overtime help with arrests. There was just one recently with TD bank North where a detail officer captured bank robbers. He saw them and it led to their arrest. Those things are very important and that is why every officer should have one. They can wear it as part of their issued equipment at all times and they are wearing it as part of the police uniform.

Commissioner Creamer: So, in this case, when officers are on detail in private entities, or mixed public and private entities, who has access to that footage first of all? It is still public record correct?

Chairperson Yang: Yes.

Commissioner Creamer: Could the private entity request these records?

Attorney Janice Thompson: They can request the records just like anyone else. They would not have superior right of access.

Rick Sapporo: If you work in a Walmart, we are still working for the city of Worcester. Those are my recommendations. Body cameras for all. We get the phones. Tasers. And based on the reason I stated is why I believe we should go in that route.

Chairperson Yang: I hear you say tasers twice. What is..

Rick Sapporo: there are different options that Axxon has given to the city of Worcester. I am sure that you have seen the different ones and the gentleman can explain that. One is X amount for 20 officers, 30 officers, and what not. Everything comes with a different cost. The most expensive cost is the one I am recommending, which is that all officers get a camera and with that we get tasers, next generation tasers. I can talk about tasers at a different time. With that option we get a new model that is going to help us do our jobs. When you package it the city will actually be saving money. That is why I recommend it that way.

Commissioner Creamer: Do police officers not currently have tasers?

Rick Sapporo: Not every.

Peter: If there are exceptions. They are referring to exceptions to keep people from being able to see a recorded video, what constitutes an exception?

Attorney Janice Thompson: the exceptions to the public records law are delineated in the statute. That is what we, for the most part, would be looking at if we receive a public records request and we are evaluating the public status of the footage as requested. Those are the exceptions we are referring to.

Peter Mott: You have provided us with the statute?

Attorney Janice Thompson: I don't know if it has been provided within these materials, but I am sure the Human Rights Commission can provide a link to the public records statute.

(redo of roll-call after 5 minute break to fix technical issues)

Jayna Turchek (reading for Peter Mott on Zoom): the first question is: If there are exceptions to releasing footage, what constitutes an exception? The statute has been mentioned, can you provide a link in the chat? Second is: responsibilities were mentioned for a reason police compensation, what was the change in their responsibilities? The camera provides documentation just by recording and being kept as a record. WRT the law like a witness, only verifiable.

Attorney Janice Thompson: I can address the questions about the exemptions but probably not about the change in responsibility.

Chairperson Yang: Can WPD answer that?

Captain Supernor: Thank you for your question. For the first part, asking about compensation which was discussed already, it is negotiable through the unions. It always has been, and it will be again on this point. It is a new piece of equipment. Its probably one of the biggest changes in work conditions that we have had in a long time, since police went to call boxes or police radios from walking foot beats to driving cruisers. Any one here, or in the public, that was asked to wear a camera for 8 hours, I would think, the prospective would probably be that is a change in your work conditions. As you go about your workday for 8 hours audio and video are recording everything you do. That is the general prospective from the overall police department for how that is a change in work environment.

Peter Mott: Thank you for your answer. I understand that. A police officer officers' role is different then a citizens and that is what made me ask the question because comparing to citizens was being used as another reason for an increase in compensation. I appreciate your answer and to me it did answer the question.

Jayna Turchek (reading for Peter Mott on zoom): About police video, they don't have access to video now. They should not have access. This may not be a black and white matter but with respect to the law there would be no change except for more evidentiary material. All of the talk about officer access to the video is moot if the video content had been provided by a witness. Would the officer have access prior to being deposed? That could be like getting your story straight with others before being interviewed. Is it worth it? How could more evidence not be worth it? Should the cost come from police compensation?

Captain Supernor: This has come up quiet a bit in the five sessions already. Whether or not officers should have access to video that they have recorded, that they were a first hand witness to. We appreciate your comments. If I understand you correctly, you don't think they should. That recommendation will be heard and documented by the committee. It was our prospective during the pilot program that officers should have it but I don't want to debate it. Your suggest is noted. Thank you for your suggestion.

Peter Mott: Thank you for your response and I want you to know an answer can change my mind. I am not solid on that I am just bringing it up.

Jenny Pacillo: I actually have two questions. How many tasers does the police department have? Like, how many tasers per officer? And I am wondering when they were purchased and what the life time of the taser is?

Captain Supernor: Currently, I believe we have 114 tasers deployed within the department. We are budgeted for at least 376 police officers and there are 87 officials. They are deployed within the operations division, some within the neighborhood response team, the gang unit, the vice squad and our swat team. So, they are spread thin across the department. I believe out of all of operations, which are the ones who go out every day for calls, I think there are about 23% tasers on that operations team. There are other units and division that are at zero. Some of them do have a lifespan, because the company we purchased them from will eventually phase them up when they get new models. I believe a majority of our tasers are on a lease program and we are on year 3 of a 5 year lease.

Jenny Pacillo: Do police officers share? At the end of shift will you give a taser to the next shift?

Captain Supernor: No. Almost all of the tasers are assigned independently. There are a couple of examples where a taser might be assigned to a detective bureau and as long as there is a detective that is trained and certified, if he was going to execute a search warrant, he could sign out that taser. But that is not the normal protocol. The normal protocol is that every taser is independently assigned to one officer.

Jenny Pacillo: I am also wondering, since we were talking about union stuff, what is the typical cost of bargaining a body camera? And my follow up question will be do you think you guys will kind of go on the lower end then other unions in different gateway cities, or cities our size, just to show good faith?

Captain Supernor: I don't know what the typical cost is for body cameras. I have not researched that across the state or across the country.

Jenny Pacillo: I meant the cost of bargaining them.

Captain Supernor: I am not sure if I can get an answer for that.

Commissioner O'Callahan: I just wanted to follow up with the answer about exemptions. I want to make sure that was answers. I know that the law department is present and spoke on it. I am looking for the document that has it and I don't want to link the wrong document but we did speak about it in January 2021. I do have a response on that. It is a document in my email in the minutes.

Attorney Janice Thompson: The best document to link that would have general information on the public records law is the Supervisor of Records Guide to the Public Records law. It also has

examples in the appendix of different laws that are under the statutory exemption as well. Those are the exemptions that we have looked to in evaluating any record to see what is exempt.

Commissioner O’Callahan: Chairperson Yang, do you remember the questions we submitted, I want to say in late 2020 we received the answers, there is a passage I am happy to read out just for the public’s understanding.

Chairperson Yang: Sure.

Commissioner “O’Callahan: the part that I think is relevant here is “there are a number of categories of exempt information that either must of may be redacted for a responsive record. This pertains to all city records, not only police records. For example, the city redacts social security numbers, drivers license numbers, bank account numbers, Examples redacted under the privacy exemption include personal cell phone numbers, personal email addresses, personal medical information, information about family disputes and other highly personal matters. All reports related to reports of domestic violence, sexual assault and rape are also withheld as required by law. Reports relating to arrests of a juvenile are withheld as required by law and reports relating to assaults of certain disabled individuals are withheld as required by law.” I know that speaks to written reports. My understanding is that the video footage would fall those same exemptions.

Chairperson Yang: I am looking at the policies and procedures of the pilot program and on page 5 it says “all recorded footage is the sole property of the city of Worcester Police Department.” Is that case moving forward? Would that be “property of the city of Worcester” or “property of the city of Worcester Police Department”?

Captain Supernor: I believe it is city property.

Attorney Janice Thompson: Within the city, a department may be a custodian of a particular record. Whether or not the policy specifically states which department holds that record, it is still property of the city.

Captain Supernor: I think the reason for putting that in was opposed to Axxon. They are just a vendor holding the footage.

Chairperson Yang: Another question is: Will the data be used for facial recognition? Such as if there are rallies going on and you happen be in one wearing a camera are you going to be searching through that for facial recognition to identify attendees of the rallies?

Captain Supernor: No. I think City Manager banned facial recognition in the city.

Chairperson Yang: So you are not planning on going through the videos and looking for certain individuals?

Captain Supernor: Visually looking for an individual on footage with my own eye verses using facial recognition technology. The technology is what has been banned. Are you asking about the technology or police in general.

Chairperson Yang: Police in general.

Captain Supernor: I think it would be case specific. If we had video of an incident and we had to review the video for evidentiary purposes to find out why the video was recorded in the first place, we would look at that video for evidentiary purposes. But we have no intentions, I believe it is stated in the Manager's recommendations, but also at the state level, that facial recognition technology will not be used.

Chairperson Yang: But what if you are at a rally and you are just looking at, maybe there have been 5 rallies throughout a month, will you be going through these videos looking for you is at these rallies?

Captain Supernor: No. that would not be the intent. It would only be if we were trying to look into the video for a specific crime, alleged or occurred, and try to investigate with that. We would not be looking back just in general to see who was there for those purposes.

Lt Murtha: We would not use that for protests or anything like that. I am thinking about the Boston Marathon Bombing, they looked through every piece of video that they had trying to see who was there, looking for suspects. If we had something like that happen I am sure we would use all the video, including body camera footage, to go back and have some kind of path. We certainly would not be looking through to identify people who went to political protests.

Commissioner Creamer: I have a question for the law department. Would WPD have to put in a request to do that to access the footage for that purpose?

Attorney Janice Thompson: That is a very care by case inquiry. I think it would depend on the circumstances. I know we just passed a recent SJC case, mentioned in another listening session, that established the use of footage, really limiting it to, circumstances of that particular incident without prior authorization so I believe in that kind of circumstance ..(inaudible)

Chairperson Yang: In other listening sessions we discussed almost like a (inaudible) of who would be accessing the videos. Would you have to go through yor captain for access to videos you wanted to look at.

Lt. Murtha: The technology with Axxon, any time someone watches a video there is a log. It shows exactly who watched at what time. If we did go with a different company it would depend on the technology but Axxon has that. I think they all do. In terms of officer's access to footage, that is one of things we are working on a policy. That is one of the things the policy will address.

Chairperson Yang: City Councilor Kate Toomey has been attending on zoom.

Councilor Toomey: I appreciate all the information that has been shared, not only at this meeting but at previous meetings. I really look forward to the compilation of this in a report coming back so we can move forward. The councilor filled the original order regarding the pilot study because I wanted to have the opportunity for everybody, the police, our citizens to be safe and to utilize the benefits of the technologies that we have out there. I am really grateful for all the suggestions, questions and effort that has been put into this. I just want to say thank you.

3. Adjournment

Comments may also be submitted to humanrights@worcesterma.gov. The deadline for public comment is Friday, Oct. 22.