

**Investigation of the
Worcester Police Department
and the City of Worcester, Massachusetts**



United States Department of Justice
Civil Rights Division
and
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EXECUTIVE SUMMARY

The Department of Justice (DOJ) opened an investigation of the Worcester Police Department (WPD) and the City of Worcester (City) on November 15, 2022. Based on this investigation, DOJ has reasonable cause to believe that WPD and the City engage in a pattern or practice of conduct that deprives people of their rights under the Constitution and federal law. First, WPD uses excessive force. Second, WPD engages in outrageous government conduct by permitting undercover officers to participate in sexual contact with women suspected of being involved in the commercial sex trade.

FINDINGS

The Department of Justice has reasonable cause to believe that the Worcester Police Department and the City of Worcester engage in a pattern or practice of conduct that deprives people of their rights under the Constitution and federal law:

- **WPD uses excessive force that violates the Fourth Amendment. Officers unreasonably deploy Tasers, use police dogs, and strike people in the head. Officers rapidly escalate minor incidents by using more force than necessary, including during encounters with people who have behavioral health disabilities or are in crisis.**
- **WPD engages in outrageous government conduct that violates the constitutional rights of women suspected of being involved in the commercial sex trade by engaging in sexual contact during undercover operations. This violates the Fourteenth Amendment's due process clause.**

WPD's inadequate policies, training, supervision, investigations, and discipline fostered these unlawful patterns or practices.

This investigation also raises serious concerns that WPD officers have sexually assaulted women under threat of arrest and engaged in other problematic sexual conduct. WPD lacks the policies and practices needed to adequately address reports of sexual assault by non-officers as well, raising concerns about gender discrimination. In addition, the investigation raises serious concerns that WPD's enforcement practices may result in discriminatory policing against Hispanic and Black people, whom WPD disproportionately warns, cites, arrests, and subjects to force. DOJ does not find at this time that these racial disparities amount to an unlawful pattern or practice of racial discrimination. However, WPD should collect and assess data about its practices and take steps to ensure they do not have an unlawful discriminatory effect.

Worcester's law enforcement professionals work hard to keep the public safe, often under difficult conditions. We commend those who dedicate their professional lives to serving the community. We also commend WPD and the City for implementing some

reforms while this investigation was pending, including adopting body-worn cameras and creating a Policy Review Committee that solicits public comment on WPD policies. However, remedying the problems identified through this investigation will require more. DOJ expects to work constructively with WPD and the City to implement the reforms necessary to address the unlawful conduct outlined in this report.

BACKGROUND

With a population of 207,000, Worcester, Massachusetts is the second largest city in New England. Worcester is in central Massachusetts. Worcester's population is 51.8% white, 12.8% Black, 24.6% Hispanic, 6.8% Asian, and 0.4% Native American.¹

A. Worcester Government and WPD

Worcester has an 11-person city council headed by Mayor Joseph Petty. The council is the City's legislative body and appoints the city manager—currently Eric Batista—who heads Worcester's executive branch. The executive branch develops the City's budget, including the budget for WPD, which the city council approves.

The Worcester Police Department is the third largest police department in New England, with over 400 officers, including command staff, in addition to 80 civilian employees. Of WPD's officers, 94% are men, 6% are women, 80% are white, 13% are Hispanic, 5% are Black, and under 2% identify as another race or as biracial.

WPD is led by the Chief of Police and four Deputy Chiefs, each of whom oversees one of WPD's four divisions: the Services Division, the Operations Division, the Bureau of Investigative Services, and the Administrative Division. In 2022, WPD adopted a precinct model with four precincts each headed by a captain. WPD has several specialized units, including the Canine Unit, which provides trained police dogs to assist in patrol functions; the Vice Unit, which addresses sex- and drug-related crimes; and the Gang Unit, which deals with gangs. WPD's internal affairs unit, the Bureau of Professional Standards (BOPS), conducts internal investigations of most serious complaints against officers.

From May 2016 through August 2023, WPD's Chief of Police was Steven M. Sargent. In September 2023, Chief Sargent abruptly retired after local media reported on an investigation the City had commissioned two years earlier, which found Chief Sargent had engaged in a "campaign of reprisal" against a WPD officer and used his vehicle to threaten the officer.²

Since Chief Sargent's retirement, Paul Saucier has served as WPD's Interim Chief of Police. He continues to oversee WPD's Bureau of Investigative Services, which he previously oversaw as a Deputy Chief.

¹ See U.S. Census Bureau, *Quick Facts: Worcester City, Massachusetts* (last visited Nov. 27, 2024) <https://www.census.gov/quickfacts/fact/table/worcestercitymassachusetts/AFN120217>.

² Brad Petrishen, *Worcester Cop Threatens to Sue Over Alleged Harassment by Police Chief*, TELEGRAM & GAZETTE (Aug. 17, 2023), <https://www.telegram.com/story/news/local/worcester/2023/08/18/worcester-police-officer-threatens-to-sue-over-alleged-harassment/70604974007/> [<https://perma.cc/A9BR-SJBL>].

B. Community Concerns

Community members and local leaders have long been critical of WPD's enforcement practices regarding women suspected of being involved in the commercial sex trade and people of color.

Since at least 2019, local advocates have been raising concerns with police department officials about how WPD officers interact with women who they suspect have engaged in the commercial sex trade. During one 2019 meeting attended by WPD officials, advocates described how undercover WPD officers engage in sex acts with vulnerable women during "prostitution stings." The same year, a local advocacy organization commissioned a survey of survivors of sexual exploitation in Worcester. More than half of the women surveyed reported that undercover WPD officers engaged in prostitution stings had tricked or misled them into providing sexual acts, and nearly half reported that officers had offered less, or no, punishment in exchange for sex acts. When advocates shared these concerns with WPD officials, including the Captain of WPD's Vice Unit, which enforces prostitution laws, WPD reportedly responded that women often fabricate such claims and that without specific complaints, nothing could be done.

In 2020, following the murder of George Floyd in Minneapolis, the community's concerns about the impact of WPD enforcement practices on people of color came to a head when hundreds of Worcester residents gathered in protest to call for systemic change in policing. During those protests, WPD officers in riot gear arrested 19 people, raising concerns about WPD's use of force in response to critiques of police. This, compounded by concerns regarding WPD's failure to explore and address racially disproportionate policing of Black and Hispanic people, exacerbated tensions between the community and the WPD.

In 2021, the City commissioned a racial equity audit of WPD to assess its policies, procedures, and culture, and to "provide recommendations to disrupt systems of racism and inequity in any form." In March 2024, the audit concluded that Black and Hispanic individuals, including youth, are overrepresented in arrests. The audit pointed out that auditors were "unable to complete several analyses on racial disparities for use of force, traffic stops, and pedestrian stops or field contacts because of a lack of adequate data containing racial demographics," and urged WPD to collect that data and make it publicly available. The audit also highlighted community concerns about social media use by WPD officers and comments made by WPD leadership, as well as concerns that WPD officers use force on individuals who might not understand commands because of language barriers.

To its credit, the City and WPD have undertaken some reforms since this investigation began. For example, WPD recently created a Policy Review Committee that solicits public feedback on WPD policies, and in February 2023, WPD adopted body-worn cameras for officers department-wide. These reforms are promising, though it will take more for WPD to repair its relationship with the community and to address the problems uncovered in this investigation.

INVESTIGATION

DOJ opened this investigation of WPD and the City on November 15, 2022. This civil investigation was conducted under the law enforcement misconduct statute, 34 U.S.C. § 12601, which prohibits law enforcement agencies from engaging in a “pattern or practice” of conduct that deprives people of rights protected by the U.S. Constitution or federal laws. The investigation focused on WPD as a whole, not on the acts of any one officer. Where the United States develops reasonable cause to believe that WPD or the City engages in a prohibited pattern or practice, DOJ may bring a lawsuit seeking court-ordered changes.

The investigative team consisted of career civil staff from DOJ’s Civil Rights Division and the Civil Rights Unit of the U.S. Attorney’s Office for the District of Massachusetts. The team was aided by several experts, including a former police chief and a former police commissioner, as well as a statistician with expertise in the criminal justice system.

This investigation reflects review of extensive evidence produced by the City and obtained from outside sources. Investigators reviewed hundreds of incident files, including video when available, and thousands of documents, including policies, training materials, police reports, and internal affairs files. Some of these incidents are described below, illustrating the themes that emerged during this review. Investigators also conducted rigorous statistical analyses of WPD’s data covering January 2017 through November 2022. We thank the City for providing access to WPD files.

The investigation is also based on extensive interviews. Investigators spoke with many current and former officers, City employees, and WPD officials, including Bureau of Investigative Services captains and Vice Unit supervisors. We thank those who spoke with us for sharing their time and expertise about WPD’s practices.

Investigators also spoke with nearly 150 citizens and local organizations. These meetings included conversations with local leaders and advocates, faith leaders, and researchers, as well as live and virtual community meetings. We are grateful to the Worcester community for sharing information with us. We recognize it can be difficult to relive traumatic experiences and appreciate the courage of those who came forward.

This report presents the results of DOJ’s investigation for the benefit of WPD, the City, and the public. The report concludes by outlining the remedial measures necessary to correct the unlawful conduct we found.

FINDINGS

The Department of Justice has reasonable cause to believe that WPD and the City engage in a pattern or practice of conduct that violates the Constitution and federal law. First, WPD uses excessive force in violation of the Fourth Amendment, including by unreasonably stunning people with Tasers, striking people in the head, using police dogs to bite people, and escalating minor incidents, including during calls related to behavioral health. Second, WPD violates the rights of women suspected of being involved in the commercial sex trade by engaging in sexual contact while undercover during official investigations. This outrageous government conduct violates the Fourteenth Amendment's Due Process Clause.

DOJ has serious concerns about credible reports that officers have forced women to provide sex acts under threat of arrest and engaged in other illegal sexual misconduct. DOJ also has serious concerns that WPD lacks adequate policies and practices to respond to and investigate sexual assaults by officers and others. Finally, DOJ has serious concerns that WPD engages in policing practices that may have a racially discriminatory effect.

A. WPD Uses Excessive Force in Violation of the Fourth Amendment

The Fourth Amendment to the U.S. Constitution protects people from the use of unreasonable force. Officers put themselves at risk to keep the public safe. Officers can use force, up to and including deadly force, to protect themselves and others from immediate threats. But that force must be objectively reasonable considering the “totality of the circumstances.”³

When deciding whether an officer's use of force was reasonable, courts consider the particular facts and circumstances confronting the officer, without regard to the officer's “underlying intent or motivation.” Relevant factors include whether the person posed an immediate threat to officers or others, the severity of the crime, and whether the person was actively resisting arrest or attempting to evade arrest by flight. If the force used exceeds what is objectively reasonable, it violates the law.⁴ Officers operate with varying degrees of imperfect information, so their actions must be viewed through the perspective of a reasonable officer on the scene, not with the benefit of hindsight.⁵

To evaluate WPD's use of force practices, DOJ reviewed a random sample of hundreds of incidents in which WPD used force from January 2018 through November 2022 and February 2023 through April 2023. The sample included incidents involving each type of force tool used by WPD. DOJ also reviewed incidents referred by community members. Investigators assessed each incident by evaluating WPD officers' police reports, where officers described the incidents in their own words. Investigators also assessed photos

³ *Graham v. Connor*, 490 U.S. 386, 396–97 (1989).

⁴ *Id.* at 396–97; *Gray v. Cummings*, 917 F.3d 1, 8 (1st Cir. 2019).

⁵ *Graham*, 490 U.S. at 396.

of injuries, cell phone or body-worn camera footage where available, and any associated internal affairs investigations. DOJ also reviewed WPD's policies and training materials related to force and interviewed commanders, supervisors, and people against whom WPD officers used force.

Based on this review, DOJ has reasonable cause to believe that WPD engages in a pattern or practice of using excessive force. WPD unreasonably stuns people with Tasers, including in drive-stun mode. Officers unreasonably strike people in the head or face. WPD rapidly and unreasonably resorts to force during incidents involving only minor crimes—or even no crime at all—including while interacting with people with behavioral health disabilities or who are experiencing a behavioral health crisis. WPD's police dogs bite people and inflict harm disproportionate to the threat posed. Together, these practices violate the Fourth Amendment.

The harmful effects of WPD's use of force practices fall most heavily on Worcester's Hispanic and Black communities. WPD used force in general, and unreasonable force in particular, against Hispanic and Black individuals disproportionately compared to their combined 37% share of the population. For example, Hispanic and Black individuals were the subject of 79% of all police dog bites. As discussed below at pages 27–32, DOJ does not conclude that this is evidence of racial discrimination, but it merits deeper review, which WPD has failed to do.

1. WPD Officers Quickly and Unreasonably Resort to Using Tasers

WPD officers carry conducted energy weapons known as “Tasers.” WPD's Tasers have two modes: probe mode and drive-stun mode. In probe mode, an officer fires two metal “probes” connected to wires into a person's body, penetrating the skin and delivering jolts of electricity. The electrical current “disrupts the target's entire nervous system,” causing pain and neuromuscular incapacitation, which temporarily prevents the person from controlling their muscles.⁶ In drive-stun mode, an officer presses the weapon directly against a person's body and applies an electrical charge that causes pain but does not incapacitate the person. In either mode, Tasers deploy five-second bursts of electricity. Tasers can ignite flammable substances and cause people to fall, which can result in significant secondary injuries or even death.

WPD officers reported deploying Tasers during 87 incidents from January 2018 through November 2022. DOJ reviewed a random sample of all Taser uses, as well as a random sample of over half of all incidents in which officers used Tasers in drive-stun mode.

WPD unreasonably uses Tasers to gain compliance from people who do not immediately follow officers' demands, including by not instantly producing their hands

⁶ See *Gray*, 917 F.3d at 7 n.2; U.S. Department of Justice, National Institute of Justice, *Police Use of Force, Tasers, and Other Less-Lethal Weapons* (May 2011) at 2, <https://www.ojp.gov/pdffiles1/nij/232215.pdf> [<https://perma.cc/ZXK7-7DQ8>].

for handcuffing, but who are not actively resisting or posing a threat. WPD officers do so without first trying to deescalate the situation or use lesser force options as appropriate.

For example, one WPD officer stopped a teenager, and then—while the teen was slowly walking backwards with his hands up—tased him. The incident began when a WPD officer responded to a call at a park regarding a group of “kids causing mischief.” The officer called for other officers to look out for the kids, who were all described as wearing black. A WPD officer then stopped a 17-year-old, who did not match the description, as he was wearing white. The officer grabbed the teenager’s hands and told him, “I’m about to detain your ass.” The teenager pulled away from the officer. When the officer ordered him to get on the ground, the teenager instead took a few steps backward with his hands up, saying, “I’m walking.” The officer fired Taser darts into the teenager’s stomach and activated the electric current, causing him to fall. The officer fired a second set of Taser darts into the teenager’s back, less than five seconds after firing the first round. The officer claimed that, while trying to remove the first set of Taser probes, he shocked himself, which caused him to accidentally deploy the Taser a second time. However, video of the incident conflicts with the officer’s explanation. The officer only tried to remove the Taser probes *after* the second Taser deployment. Both of these Taser deployments were unreasonable uses of force against an individual not even subject to a lawful detention, who did not try to flee, and was not resisting at the time of the deployments.

In another incident, a WPD officer tased a man in the back with a Taser after he refused to leave while loitering in a train station. Officers advised him to leave several times because he was not waiting for a train. After he refused and yelled profanities, an officer grabbed the man’s arm. When the man shook free and attempted to run, the officer fired his Taser at the man’s back. It was ineffective. The man then ran outside and WPD officers apprehended him. Using the Taser was unreasonable: the man posed no immediate threat and the only crime the man had committed was loitering.

During 68 of the 87 Taser incidents that occurred from January 2018 through November 2022, officers used Tasers in drive-stun mode. Many of these drive-stuns were unreasonable. On one such occasion, a WPD officer unreasonably used a Taser to drive-stun a 55-year-old man in retaliation for criticizing police. Two officers responded to a custody dispute, and a man on the sidewalk advised people nearby not to talk with police. Though the scene was clear and no threat existed, the officer illegally ordered the man to go back inside a nearby church. After the man called the officer a “tyrant” and told him he was “acting like a big shot,” the officer threatened to arrest him for disturbing the peace. The officer followed the man inside the church and, once inside, chased and tackled him to the ground, where he laid still on his stomach with his head on his forearms. The officer demanded that he relax his arms to be cuffed, and then, without warning and in front of children and congregants, delivered a five second drive-stun to the man’s back. The man was arrested but ultimately acquitted of all charges, including disturbing the peace, disorderly conduct, resisting arrest, assault and battery with a dangerous weapon, and assault and battery on a police officer. WPD’s internal investigation found no wrongdoing by the officers.

Drive-Stun to Man's Back in a Church



2. WPD Officers Use Dangerous and Unreasonable Head Strikes

Punching or striking someone in the head or face with an open or closed hand is dangerous. It can cause serious injury to the person, including traumatic brain injury, broken facial bones, and concussions, and can result in additional injuries if a person's head hits the ground or a hard surface. Head strikes with the fist also create a risk of injury to the officer.

DOJ reviewed many incidents in which WPD resorted to unreasonable strikes to the head. For example, while one off-duty WPD officer was working at a Walmart, he punched a shoplifter in the face and midsection after observing the shoplifter get into a waiting vehicle, then sprayed him with several bursts of pepper spray.⁷ These uses of force were unreasonable in light of the minor nature of the offenses and the officer's failure to note in his report any other attempts to control or handcuff the man before resorting to punches.

WPD officers also struck the faces of people during calls for service related to behavioral health. For example, as more fully discussed below, officers escalated one welfare check, where a man who was exhibiting mental health-related symptoms was upset to hear he would be taken in for a mental health evaluation, by punching the unarmed man twice in the face after he retreated into an apartment. In another similar incident, officers responded to a call at a skilled nursing facility to bring an agitated patient to a hospital for psychiatric evaluation and treatment. The handcuffed man resisted being escorted to the stretcher—he immediately pulled his arms into his chest, spit on an officer's uniform, thrashed on the bed in attempt to pull away from the

⁷ Pepper spray (also known as “oleoresin capsicum spray” or “OC spray”) is a chemical irritant that can cause inflammation to someone's eyes, face, and respiratory passages.

officers, and kicked at both officers. One of the officers then punched the man three times in the face.

In another example, in July 2020, an officer responding to a mental health call to help transport a man to a hospital for an emergency psychiatric evaluation hit the man in the face while he was restrained and lying on a hospital stretcher. Three WPD officers responded to the scene to detain the man. After the man began spitting at an officer, the officer struck the man in the face using what he called an “open hand distraction technique.” The officer did not timely report the use of force. Only after a passerby’s video became public one day later did the officer complete a supplemental report documenting hitting the man, stating that it had been appropriate to use of force in order to “momentarily redirect his attention from spitting on [the officer].” It is not reasonable to use a head strike against a restrained individual, even if the officer was concerned about COVID. The officer—who had previously received 40 hours of training regarding crisis intervention—was never held accountable for this excessive use of force, though he was disciplined for failing to report the incident.

3. WPD Officers Use Unreasonable Force that Escalates Minor Incidents, Including During Behavioral Health Calls for Service

WPD rapidly escalates situations and uses excessive force during encounters involving minor violations of the law—or sometimes no crime at all. Rather than trying to de-escalate and contain encounters, officers instead unreasonably ramp up the level of force they are using to conveniently control individuals, including when interacting with people with behavioral health disabilities or experiencing a mental health crisis.⁸

For example, when WPD Gang Unit officers responded to a call about a group of men riding dirt bikes erratically, the incident ended in a significant volley of strikes by the responding officers, including head strikes. After the officers spotted the young men on dirt bikes, one man tried to ride away, then abandoned the bike and hid in a child’s playhouse in a backyard. When officers caught up, one officer knelt the young man in the thigh while trying to pull him out of the playhouse and punched him at least three times, with two of those strikes landing on the man’s face and head; a second officer hit him with a “palm heel [sic] strike,” supposedly to try to distract him, and then punched him several times in the torso; and a third officer punched him in the midsection. The force was unreasonable because the officers had probable cause only for minor violations related to riding a recreational vehicle, without any other specific evidence that the men posed a potential threat.

While responding to what should have been a call about a minor verbal disagreement between roommates, officers tackled, used a knee strike, and pepper sprayed a man who refused to answer their questions. After one of the roommates, a 35-year-old man, cited his Fourth and Fifth Amendment rights, the officers told him that he was under arrest for interfering with a police officer. The man resisted by interlocking his hands in

⁸ People with behavioral health disabilities include individuals with a diagnosable mental illness and/or substance use disorder.

front of his body. After the officers tackled him to the ground, the man thrashed his body and clenched his arms at his side. One officer knelt the man, and a second officer sprayed him with OC spray. Not only was this an unreasonable use of force in response to a minor incident, but the officers' arrest and use of force were clear retaliation for not engaging in their investigation.

WPD officers' failure to appropriately handle minor incidents is apparent when they engage with individuals who they know or should know are in crisis or have behavioral health disabilities. For behavioral health calls, officers can often deescalate and contain a situation by using tactics like giving the person extra space and time, speaking slowly and calmly, and using active listening. However, in many of the incidents reviewed, WPD officers instead rapidly resorted to force.

For example, in the process of taking a 26-year-old man exhibiting mental health symptoms to the hospital, officers punched the man in the face twice. Officers conducted a welfare check after the man repeatedly called 911, making confusing comments that indicated potentially delusional thinking. When officers arrived, they concluded he was experiencing a mental health crisis and radioed to dispatch about starting a mental health evaluation. Upon hearing this, the man ran back into his apartment. Two officers followed him. The man used his hand to push off an officer's chest while trying to run into another room, striking but not injuring the officer. An officer pushed the man down onto a couch. When the man stood up, the officer punched him in the face twice, even though the man was unarmed and clearly exhibiting behaviors consistent with a mental health disability, and even though there were three officers present who could have worked together to control the man without resorting to head strikes. The officers then used additional force while handcuffing him. These officers had received training on intervening with people in crisis, but still struck the man in the head unreasonably.

In another incident, a WPD officer pepper sprayed a handcuffed, suicidal man in the face. The WPD officers who responded to the call knew the man had made suicidal comments but was not suspected of any arrestable offense. The officers put the man in handcuffs, placed him on a stretcher, and waited for emergency medical responders to arrive to transport him to the hospital. When the man learned that he was going to the hospital, he began kicking and fell off the stretcher and later elbowed and attempted to head butt officers. Without reporting that they provided a warning, an officer sprayed the man's face with pepper spray and placed him back on the stretcher. This use of force was unreasonable because officers and multiple paramedics at the scene outnumbered the man, had already handcuffed him, and should have attempted hands-on techniques to further restrain him before resorting to pepper spray.⁹

⁹ WPD has been on notice of the need to manage officers' use of force against people in handcuffs. In 2022, WPD settled a 2018 lawsuit involving an officer striking a handcuffed man in the face while he was suffering a hypoglycemic event. At least three other civilians have filed complaints about WPD officers using force against them while they were in handcuffs. One person alleged that he was struck in the face while handcuffed at a hospital in 2019. A homeless individual alleged that, during a 2018 arrest, while

Where a behavioral health call requires a law enforcement response, WPD does not prioritize sending officers with expertise or experience in interacting with people in crisis. WPD has a Crisis Intervention Team (CIT) staffed with three officers, but its purpose is to ensure that individuals and their families are appropriately connected to proper services following a call, rather than to be first responders for these calls. WPD also provides some officers 40 hours of training in crisis intervention. WPD, however, does not prioritize dispatching these officers to behavioral health calls, and even officers who do receive this training are not necessarily well-equipped to handle these kinds of incidents. In the incidents described on page 11, for example, the responding officers who had received crisis intervention training failed to handle the incidents appropriately and instead used unreasonable force.¹⁰

4. WPD Police Dogs Inflict Unnecessary Harm

WPD uses police dogs to inflict unnecessary harm that is disproportionate to the level of resistance or threat officers face.

WPD's Canine Unit has six specifically trained officers and six patrol dogs with dedicated handlers. WPD's police dogs assist in tracking persons sought by the police, recovering discarded evidence, and searching areas and buildings in which a suspect is being sought. Police dogs that are not well controlled can inflict significant and unnecessary harm, including deep puncture wounds, lacerations, and injuries that tear off layers of skin to expose muscles, tendons, and tissue.

WPD's police dogs bit people at least 14 times from January 2017 to November 2022.¹¹ During that period, WPD reported "displaying" police dogs 41 times to encourage individuals to surrender.

Some of these canine displays and bites occurred during building searches. WPD's police dogs are trained to bite when they find someone during a building search.¹² WPD's canine policy permits officers to use dogs to search buildings when they have probable cause to believe a person hiding within has committed a crime involving the

handcuffed, he asked if he could sit up, and the officer denied the request and kicked him in the chest. A third complainant reported that a woman was pepper sprayed while handcuffed. WPD did not find that any of the officers involved committed any wrongdoing.

¹⁰ While our investigation did not focus on the City and WPD's compliance with the Americans with Disabilities Act (ADA), public entities must provide reasonable modifications to afford people with disabilities an equal opportunity to benefit from their emergency response programs, which may include sending a behavioral health response instead of police when appropriate. 28 C.F.R. § 35.130(b)(1)(ii), (iii). See, e.g., U.S. Department of Justice, *Investigation of the Louisville Metropolitan Police Department and Louisville Metro Government* (March 8, 2023), <https://www.justice.gov/opa/press-release/file/1573011/dl> [<https://perma.cc/SYJ8-JCSL>]; U.S. Department of Justice, *Investigation of the City of Minneapolis and Minneapolis Police Department* (June 16, 2023), https://www.justice.gov/d9/2023-06/minneapolis_findings_report.pdf [<https://perma.cc/S9HH-8EHL>].

¹¹ WPD inconsistently documents dog bites. WPD classified 11 use of force incidents as dog bites in its use of force documentation. DOJ identified a total of 14 police dog bites based on a review of incident reports.

¹² Some police departments train dogs instead to "find and bark" so that the canines stop in front of a person without biting and alert the police officer as to the person's location.

use or threat of “assaultive” behavior. WPD’s canine policy does not provide clear guidance on using canines to search buildings when officers suspect a non-violent crime or no crime at all. WPD’s use of force policy permits dog bites only when a person is “assaultive” and an officer’s attempts to gain compliance resulted in an attack. But during building searches, WPD police dogs have bitten people who are not “assaultive,” not resisting, are not suspected of a violent crime, and do not clearly pose a risk to others. In one such incident, a police dog bit a woman who was hiding under a blanket in a condemned building. WPD arrested her for breaking and entering, destruction of property, trespassing, and resisting arrest—none of which involved assaulting or threatening officers or others.

WPD has also ordered dogs to bite or allowed them to continue biting when multiple officers had the person surrounded and could have used less intrusive means to control the person. For example, a WPD officer ordered a police dog to bite a man who was on the ground and surrounded by at least two officers. During a commotion outside a nightclub, a man pushed a security guard and ran across the street away from a crowd. A WPD officer chased the man, and two officers tried to secure him in handcuffs. According to officer reports, the man was punching and kicking while face down on the ground. Additional officers came over to where the man was, and as two officers continued trying to handcuff the man, a canine officer ordered his dog to bite the man. The police dog latched onto the man’s leg and thrashed its head for at least 15 seconds before releasing its bite—continuing to bite well after cell phone footage shows officers had the man under control. The man reported he suffered significant tissue damage, scarring, and atrophy to his left leg. Because the man was face down and had multiple officers holding onto and surrounding him, he did not pose a significant threat when WPD ordered the dog to bite him, and the officers should have first attempted other means to control him. The dog bite was unreasonable, as was allowing the dog to continue to bite well after the man was under control.

WPD has also failed to maintain reasonable control over police dogs in crowd settings. In one incident in October 2019, a police dog bit a man who had committed no crime, posed no threat, and had simply tried to enter his apartment building. Officers responded to a disturbance outside of a bar. One man walked up to an officer and pointed in the direction of his apartment building. A nearby WPD canine handler grabbed the man by the arm and threw him to the ground, and the police dog bit the man’s lower back without being ordered to do so. The dog maintained his grip on the man’s clothing as the canine handler tried to pull the dog away. The WPD canine handler reported, “[the man] came towards me and [the police dog] aggressively[,] and assaulted me by pushing me with his hands on my right shoulder.” Surveillance video footage shows that did not happen. After viewing the video, the District Attorney asked a judge to dismiss the charges against the man, and the City of Worcester paid \$275,000 to settle the man’s civil lawsuit for excessive force. Still, WPD exonerated the canine handler from the excessive force allegations following an internal investigation.

In February 2022, WPD updated its Canine Guidelines to limit the use of police dogs to control crowds. While the guidelines counsel officers to consider the severity of the offense, among other factors, they do not expressly limit WPD’s use of police dogs to

“find and bite” people during building searches where the suspected crime is minor or where there is no suspected crime.

5. WPD’s Inadequate Supervision Contributes to Unreasonable Force

WPD inadequately supervises officers’ use of force. WPD policy requires officers to verbally notify their supervisor after they use force and to document the incident in a written report. Supervisors must review and sign off on the report.

DOJ’s review of incident reports revealed that supervisors sometimes fail to identify problems that are clear on the face of officers’ reports. Instead, supervisors sign off on use of force reports that either included details indicating the force was unreasonable or that did not include enough detail for the supervisor to determine whether force was reasonable. Instead of signing off, supervisors should have asked follow-up questions of the involved officers and required the officers to supplement their reports where needed.

This investigation uncovered several officer narratives that were inconsistent with other documentation describing the same use of force, yet no supervisor reconciled these inconsistencies or otherwise inquired about them. In some incidents, officers’ written reports differed from available video footage, and supervisors did not reconcile the accounts. For example, following one use of force, WPD officers justified the use of a police dog by reporting that a man punched one of the officers with a closed fist to the back of the head. It was only after watching video footage of the event during the internal investigation three years later that one of the officers supplemented his report to state that he was mistaken when he initially reported that the man punched an officer in the head. WPD never disciplined the officers. Supervisors should have canvassed at the time to get security camera footage and caught this inconsistency.

One challenge for supervisors in reviewing uses of force has been that WPD has not consistently required officers to collect critical evidence like body-worn camera footage or photographs of injuries that supervisors use to determine whether the force was reasonable and reports were accurate. To WPD’s credit, in February 2023 WPD instituted a department-wide body-worn camera program and now requires officers to record calls for service and officer-initiated interactions like stops. These valuable tools should assist supervisors in holding officers accountable. However, because body-worn camera footage cannot capture officers’ perception of events or reasons for acting, closely reviewing officers’ written documentation remains essential. Officers still are not required to take photographs of injuries following uses of force, which could provide critical evidence for supervisors and WPD’s use of force risk management subcommittee to review and use to hold officers accountable.

Going forward, WPD must hold supervisors accountable for closely reviewing officer documentation, video, and other evidence to ensure compliance with WPD’s body-worn camera and use of force policies; identifying and addressing any inconsistencies; collecting additional relevant information at the scene; and for providing appropriate guidance and oversight to the officers in their chain of command.

WPD's use of force practices cause unnecessary harm and diminish community trust in the police. Witnessing or experiencing negative police encounters can make people question the legitimacy of police and other government officials, and in turn reduce the likelihood they will look to police for help in the future.¹³ For example, one Hispanic teen—who was stunned with a Taser after committing no crime—told us he now fears police officers and gets nervous whenever he sees them. Re-establishing trust in WPD is a matter of public safety.

¹³ See KRISTIN HENNING, THE RAGE OF INNOCENCE: HOW AMERICA CRIMINALIZES BLACK YOUTH 215 (2021) (“Young people who have witnessed or experienced invasive police encounters often recall and relive those experiences whenever they see police.”); Nikki Jones, “*The Regular Routine*”: Proactive Policing and Adolescent Development Among Young, Poor Black Men, 143 NEW DIRECTIONS FOR CHILD & ADOLESCENT DEVELOPMENT 33, 40–41 (2014) (explaining that for poor, young Black youth who live in high-surveillance neighborhoods, police contact injures adolescents’ “sense of self” and undermines perceptions of the fairness and legitimacy of police).

B. WPD Officers Violate Women’s Constitutional Rights by Engaging in Sexual Contact While Undercover

DOJ has reasonable cause to believe that WPD has engaged in a pattern or practice of outrageous government conduct during undercover operations by allowing officers to engage in sexual contact with women suspected of being involved in the commercial sex trade. This sexual contact served no legitimate law enforcement purpose. Despite being on notice of these issues, WPD failed to establish the policies, training, and supervision needed to ensure officers are not violating women’s constitutional rights, instead allowing a problematic culture and unlawful conduct to continue unchecked.

Police tactics that rise to the level of “outrageous governmental conduct”—like engaging in sexual contact in the name of enforcing the law—violate the Fourteenth Amendment’s Due Process Clause.¹⁴ Sexual contact by officers constitutes outrageous government conduct when (1) the government consciously sets out to use sex as a weapon in its investigatory arsenal, or at least acquiesces in such conduct for its own purposes; (2) the officer initiated or allowed sexual contact to continue to achieve governmental ends, and (3) sexual contact was entwined with the officer’s enforcement of the law.¹⁵ The ultimate standard is whether, considering the totality of the circumstances, the government’s conduct was “shocking, outrageous, and clearly intolerable.”¹⁶

Similarly, government officials who abuse their power by infringing upon a person’s bodily integrity in a way that “shocks the contemporary conscience” violate the Fourteenth Amendment’s Due Process Clause.¹⁷ Unwanted sexual contact by an officer—from groping or fondling to penetration—shocks the conscience and serves no legitimate governmental purpose.¹⁸ Sexual conduct by police officers may also violate the Fourth Amendment, which establishes the right to not be subjected to “unreasonable searches and seizures.” U.S. Const. amend. IV. An officer touching someone’s body can be a seizure; as there is no legitimate government interest in officers engaging in unwanted sexual contact, sexual assault is unreasonable.¹⁹

¹⁴ See, e.g., *United States v. Therrien*, 847 F.3d 9, 14 (1st Cir. 2017) (criminal charges may be dismissed when “government’s misconduct is so appalling and egregious to violate due process by ‘shocking . . . the universal sense of justice.’”); see also *Commonwealth v. Sun Cha Chon*, 983 A.2d 784 (Pa. 2009) (finding outrageous government conduct and affirming dismissal of criminal charges where police sent civilian informant into massage parlor to purchase sexual acts when they already had enough evidence to effect an arrest); *State v. Burkland*, 775 N.W.2d 372, 376 (Minn. Ct. App. 2009) (finding outrageous government conduct that violates the Due Process Clause where police officer’s initiation of sexual contact in a prostitution investigation was not required to establish the elements of the offense.).

¹⁵ See *United States v. Nolan-Cooper*, 155 F.3d 221, 232 (3d Cir. 1998); see also *United States v. Cuervelo*, 949 F.2d 559 (2d Cir.1991); *Therrien*, 847 F.3d at 14.

¹⁶ See *Nolan-Cooper*, 155 F.3d at 231.

¹⁷ *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998); *Rogers v. City of Little Rock* 152 F.3d 790, 797 (8th Cir. 1998); *Martinez v. Cui*, 608 F.3d 54, 63–64 (1st Cir. 2010); see also *Hess v. Garcia*, 72 F.4th 753, 756, 767 (7th Cir. 2023).

¹⁸ See *Hess*, 72 F.4th at 767; *Rogers*, 152 F.3d at 796; *Haberthur v. City of Raymore, Mo.*, 119 F.3d 720, 723–24 (8th Cir.1997).

¹⁹ See *Torres v. Madrid*, 592 U.S. 306, 317 (2021); see also *Hess*, 72 F. 4th at 761–64 (“An officer who sexually assaults someone while acting under color of law has seized the victim for Fourth Amendment

To assess whether WPD has engaged in a pattern or practice of officer sexual misconduct, DOJ reviewed and analyzed arrest databases and all WPD arrest reports, citations, and incident reports related to sex-related crimes from 2018 through 2023. Investigators spoke with members of the WPD Vice Unit, which investigates sex- and drug-related offenses. Investigators also spoke with women who detailed their own personal experiences with officer sexual misconduct.

Sex abuse by officers is extremely difficult for victims to report. Many victims never report such misconduct to law enforcement, and “victims of law enforcement-committed sex crimes are often in the custody or under the authority of their perpetrators, [and] often feel like it is useless, if not impossible, to ‘report the police to the police.’”²⁰ Many of the women who spoke with DOJ investigators faced added barriers to reporting, ranging from housing instability and substance use disorders to past involvement with the criminal justice system. The factors that make it hard to come forward can also make these victims more vulnerable to abuse by officers.²¹ As one woman explained, “no one’s going to believe a prostituted woman over a police officer.” Nonetheless, many women shared their firsthand experiences, some of which are described below.

Multiple women shared accounts of WPD officers engaging in unwanted sexual contact with them during undercover operations. For example, one woman said that, in or around 2021, an undercover officer touched her breast and permitted her to touch his genitals before he arrested her. Another woman described an undercover officer asking her to touch his penis, which she did, before being arrested as part of a sting.²²

A different woman explained that WPD targeted and touched her over several years and arrested her multiple times during stings. This started in approximately 2016, after an undercover WPD officer summoned a woman over to his car and asked if he could

purposes.”); *Fontana v. Haskin*, 262 F.3d 871, 875, 878–80 (9th Cir. 2001) (plaintiff stated a Fourth Amendment claim when she alleged that an officer arrested her, placed her in a patrol car, and commented on and touched her body, because the misconduct occurred during a continuing seizure); *Dickey v. United States*, 174 F.Supp.3d 366, 370–72 (D.D.C. 2016) (fondling of individual’s genitals during search is “patently abusive” and could violate the Fourth Amendment).

²⁰ Fara Gold, *Investigating and Prosecuting Sexual Misconduct Committed by Law Enforcement*, American Bar Association, 35 CRIMINAL JUSTICE 4 at 11 (Winter 2021), <https://dojnet.doj.gov/usao/eousa/ole/tables/misc/abasexle.pdf> [<https://perma.cc/AUQ3-759R>]. Only about 20% of sexual assault or rape victims report the incident to law enforcement. See Alexandra Thompson & Susannah N. Tapp, U.S. Department of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2022*, 6 tbl. 4 (Sept. 2023), <https://bjs.ojp.gov/document/cv22.pdf> [<https://perma.cc/6FQT-6J96>].

²¹ See, e.g. U.S. Department of Justice, *Framework for Prosecutors to Strengthen Our National Response to Sexual Assault & Domestic Violence Involving Adult Victims* at 7 (May 2024), <https://www.justice.gov/ovw/media/1352371/dl?inline> [<https://perma.cc/AMV2-947F>] (“Victims of . . . sexual assault tend to be perceived as less credible than their perpetrators, either because of their perceived status in life, status at the time of the crime, or status relative to the perpetrator. . . . Perpetrators frequently choose victims whom they expect no one to believe, anticipating that they will evade responsibility.”).

²² Most of the incidents described in Section B came from first-hand accounts, but DOJ also heard accounts from other sources. In one incident, for example, a woman reported to two acquaintances that before arresting her on a sting operation in 2019, an undercover WPD officer engaged in sex acts with her. She told one acquaintance that the officer inserted his fingers into her vagina and told the other that she manually stimulated the officer’s penis and he ejaculated onto the dashboard of his car.

touch her. In response, she pulled down her top to expose her breast and he asked her to pull her top down lower, asking, “Can I get some nipple?” He then started fondling her and twisting her nipple. He then drove her to a different area where she was arrested. Approximately two years later, the same woman got into a car with another undercover officer. He exposed his penis and directed her to touch him for approximately 20 seconds. He then drove her to a different location, and she was again arrested. The officer arrested her again in a 2022 prostitution sting.

Buying and selling sex is illegal in Massachusetts, and WPD officers are authorized to enforce those laws. But sexual touching is not necessary to effect an arrest for buying or selling sex under Massachusetts law.²³ DOJ investigators spoke with Vice Unit officers and supervisors, as well as the Worcester County District Attorney’s Office, who all understood that nothing more than a verbal agreement or offer to engage in sexual acts for a fee is necessary to arrest someone. Accordingly, there is no legitimate governmental basis for any sexual contact by WPD officers who are enforcing these laws.

Further, the Worcester County District Attorney’s Office has not prosecuted those arrested for selling sex since 2018, instead referring arrestees to a diversion program for survivors of sexual exploitation that provides social services and support. Yet undercover WPD officers participated in this outrageous sexual contact anyway.

Supervisors were or should have been aware that WPD officers were engaging in sexual misconduct during undercover operations, as multiple WPD officers admitted in their arrest reports to doing so while investigating and arresting women for sex crimes from 2018 to 2022.²⁴

Some WPD officers asserted in their reports that the women initiated these sexual acts to determine whether they were undercover officers, on the mistaken belief that police officers would not engage in sexual activities. This practice is sometimes referred to as “cop-testing.” But whether the officers or the women initiated the sexual contact is irrelevant, because officers may not engage in or acquiesce to sexual contact for investigatory purposes. Yet WPD did just that by initiating or allowing sexual contact

²³ In Massachusetts, people who sell sex are usually prosecuted under two statutes: MASS. GEN. LAWS ch. 272, § 53A (effective Feb. 19, 2012) (“engaging in sexual conduct for a fee”), or MASS. GEN. LAWS ch. 272, § 53 (“common streetwalking” or “common nightwalking”). Jury instructions lay out the requirements for each statute. The “sex for fee” offense requires that: 1) the person engaged, or agreed, or offered to engage, in sexual conduct with another person; and 2) the sexual conduct was done, or was to be done, in return for a fee. “Common nightwalking” also has two elements: 1) that the person was walking the streets at night; and 2) that the person was trying to solicit someone to engage in an unlawful sexual act. Physical touch is not necessary to effect an arrest under these laws; offering or trying to solicit are enough.

²⁴ Further, WPD was on notice of potential sexual misconduct. In 2019, graduate student researchers conducted a survey of 45 victims or survivors of sexual exploitation in Worcester about their experiences with sexual misconduct by WPD officers engaged in undercover operations. Over half of the 45 respondents reported that “they have been tricked, misled, and/or forced by an undercover police officer from WPD to provide sexual acts of any nature during an undercover operation.” Of those women, 53% had experienced this more than once.

between officers and women suspected of selling commercial sex to continue, all in the name of enforcing Massachusetts law. This contact was unnecessary. Indeed, during prostitution sting arrests conducted by female WPD undercover officers posing as “sellers,” they avoided participating in sexual activity, rather than acquiescing to requests for sex from male buyers.²⁵ Engaging in sexual contact with women to arrest them for a low-level crime, particularly when officers know the women will not be prosecuted, is “shocking, outrageous, and clearly intolerable,” and it violates the Fourteenth Amendment.

WPD was also alerted to problems during meetings with community members and local advocates. In 2019, community members raised concerns about inappropriate sexual misconduct at the Worcester Alliance Against Sexual Exploitation meeting, at which the captain of the Bureau of Investigative Services was present. That same year, advocates met with WPD officials to discuss the findings of a graduate student study regarding the experiences of women involved in the commercial sex trade. During these meetings, the captain endorsed sexually touching women during stings, erroneously stating that such behavior from officers is not illegal because it was consensual and is not sexual assault because “the prostitutes have been doing it for a while” and it is not necessarily unwanted. He also denied the allegations and denigrated the women involved, stating: “They are not very attractive women that my guys are happy to have in their car, they want them out, they’re dirty, they’re sick, they don’t want to touch them, they aren’t sexually aroused.”

Despite the complaints regarding potential misconduct, WPD still does not have policies or training clearly prohibiting sexual contact or providing guidance on what officers can or cannot do during undercover assignments. The International Association of Chiefs of Police has recognized that officers should never engage in sexual contact with civilians while on duty, including while undercover.²⁶ Other law enforcement agencies have enacted policies prohibiting such behavior.

Further, WPD supervisors have not sufficiently monitored officer conduct in this high-risk arena. As such, none of the officers who admitted to engaging in sexual contact in their reports were ever disciplined for it.

WPD has missed the opportunity to send a clear message to officers that sexual misconduct by officers will not be tolerated. As one of the women who spoke with us about WPD’s approach to enforcing prostitution offenses stressed, everyone should “be treated as a human being.” It is incumbent upon WPD to prohibit this outrageous officer sexual misconduct.

²⁵ Intentionally employing different, more degrading, and more intrusive law enforcement strategies on the basis of sex or gender also violates the Fourteenth Amendment’s Equal Protection Clause.

²⁶ See International Association of Chiefs of Police, Law Enforcement Policy Center, *Concepts & Issues Paper, Sexual Harassment & Misconduct*, at 8 (July 2021).

C. Credible Reports that WPD Officers Have Sexually Assaulted Women Under Threat of Arrest and Engaged in Other Illegal Sexual Conduct Raise Serious Concerns

We also heard multiple credible accounts that WPD officers have sexually assaulted women under threat of arrest, demanded sex acts in exchange for police assistance, in violation of their constitutional rights, and engaged in other concerning sexual encounters. These assaults and other unlawful conduct raise serious concerns, particularly in light of the significant power imbalance between officers and the vulnerable women they have targeted. This misconduct is inappropriate, and WPD must do more to respond to allegations of sexual misconduct within its ranks and eliminate the departmental culture that devalues and disregards women.

Sexual assault by law enforcement officers violates the right to bodily integrity in a way that “shocks the contemporary conscience” and runs afoul of the Fourteenth Amendment’s Due Process Clause.²⁷ It also likely constitutes an unreasonable seizure that violates the Fourth Amendment.

Several women reported that they had been sexually assaulted by WPD officers. For example, one woman who was involved in the commercial sex trade recounted that a WPD officer sexually assaulted her in 2019 after pulling up in a rental car, announcing he was a police officer, flashing his gun, showing her a bag of drugs, and threatening to arrest her on a drug charge if she did not provide oral sex. She said she saw the officer’s face before and recognized him as a WPD officer. She told us the officer said to her, “Relax, I’m here to do what you are here to do.” Though she wanted to jump out of the car, she felt she had no choice but to submit to the officer’s demands. After the officer pushed her head down and forced her to perform oral sex, he gave her \$40 and remarked that she was lucky to receive any money at all. According to the woman, on at least two additional occasions the same officer picked her up in different rental cars and forced her to perform oral sex. The woman did not report the incidents to WPD. When asked why she did not file a complaint, she responded, “Where would I go?” Like many survivors of sexual assault, she explained that she did not think anyone would believe her, particularly because she had a criminal record.

She was not the only woman who told DOJ investigators about repeated sexual assaults at the hands of a WPD officer under threat of arrest. Another woman reported that in 2015, when she was just 19 years old, a WPD officer forced her to have sex with him. The young woman, who was homeless, had become involved in the commercial sex trade at the same time as another young woman. She recounted that an officer used to taunt the pair from his patrol car. He asked if she was a “good girl” or a “bad girl.” After a couple weeks, the officer summoned her over to his unmarked car. Knowing that he was an officer, she told us she remembered telling her friend that she did not want to go over to the officer’s car because she thought it was a sting and she would

²⁷ *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998); *Rogers v. City of Little Rock* 152 F.3d 790, 797 (8th Cir. 1998); *Martinez v. Cui*, 608 F.3d 54, 63–64 (1st Cir. 2010); see *Hess v. Garcia*, 72 F.4th 753, 756, 767 (7th Cir. 2023).

get arrested. Her friend told her that she should go over to the officer's car if she knew what was good for her. When she did, the officer took her for a ride. He told her that if she did not have sex with him, he would make her life difficult on the street, and that he knew she had never been arrested and it could stay that way. He took her to a local cemetery and forced her to perform oral sex in the front seat. He then moved her to the back seat where he vaginally penetrated her. Unfortunately, however, this was not the last time she would encounter this officer. She told us that this officer picked her up and made her provide sex two to three times a month until she was arrested by WPD on an unrelated matter.

A different young woman told us that in 2015, an officer forced her to provide oral sex before he would take her to the hospital. The woman had attended a sex party at a hotel, where she got into a fight with the man who was trafficking her. A WPD officer who happened to be at the party and was wearing a badge offered to take her to the hospital. She told us that she "thought he was a good guy" for offering to take her to the hospital. However, once she got into his car and he began to drive, he refused to take her to the hospital until she provided oral sex. She did not want to perform oral sex on the officer, but told us that she complied with the officer's demand to so she could "get to a safe place."²⁸

This predatory sexual misconduct shocks the conscience, tarnishes the badge, and traumatizes the women subjected to it. It also impacts how the victims view themselves and police officers. One woman told us that the officers made her feel "worthless." Another said her sexual assault and the officer's treatment of her was "humiliating." As she explained, "Officers are supposed to protect and serve, not use and abuse."

We developed credible evidence that WPD officers have engaged in concerning sexual encounters with vulnerable women outside of official enforcement efforts, including paying women for sex and having sex with women they met in their official capacity. Though these actions may not rise to the level of unconstitutional conduct, they reveal a culture at WPD where officers can freely engage in illegal acts with women—without consequence.

For example, one woman, who was involved in the commercial sex trade because of her substance use disorder, stated in 2019 that a WPD officer paid her for oral and vaginal sex while on duty, in uniform, and in his police car, and provided her with drugs as payment for sex on multiple occasions. Once, according to the woman, the officer responded to a call for service while she was still in the police car. Several years prior to that, a different WPD officer paid her twice for oral sex while in uniform and wearing his service gun. The woman said that she performed oral sex in the officer's police car. The

²⁸ These accounts align with the graduate student study, described above at page 19, in which 43% of the 45 respondents reported that WPD officers bribed them with less punishment in exchange for sexual acts. Fifty-three percent reported that they had been tricked, misled, or forced by an undercover WPD officer to provide sex acts. Of those women, 67% responded that the police officer scared or threatened them if they did not engage in the sexual acts.

officer paid her \$60 for each encounter—then later arrested her for the same illegal conduct he had engaged in.

Another woman reported that in 2019, she had sex with an officer in his police cruiser behind a supermarket while he wore his WPD uniform with his gun and radio visible.

These illegal sexual encounters play upon an obvious power imbalance. Women involved in the commercial sex trade have a higher incidence of drug addiction than the general public. Many are still in their teens. Some engage in the commercial sex trade to eat or support their drug use. Some suffer from severe emotional stress stemming from physical violence by clients. Because officers are armed and empowered by the state to make arrests, their mere presence or words may be perceived as powerful or even threatening to vulnerable victims.

The City and WPD have long been on notice of concerns about sexual assault and other sexual misconduct by WPD officers, including through complaints against WPD officers and a criminal prosecution that should have raised alarm bells. However, they have failed to sufficiently address these concerns through clear policies and training, by strengthening supervisory practices, or by appropriately using the accountability process.

In 2013, a woman filed a complaint after an on-duty WPD officer approached her car, asked her what she would be willing to do to avoid getting arrested, digitally raped her, then ejaculated on her. The officer was terminated and sentenced to five to seven years in prison for this assault. He was later found civilly liable for \$2.5 million.

Other sexual misconduct complaints did not receive the same scrutiny. WPD's internal affairs unit, the Bureau of Professional Standards (BOPS), closed some investigations into officer sexual misconduct as "exceptionally cleared"²⁹ because the complainants were reluctant to speak with investigators. They closed investigations even when the unit could have interviewed officers or civilian witnesses or gathered and analyzed other evidence to determine whether sexual misconduct occurred.

In one example, WPD exceptionally cleared a complaint from a woman who reported that WPD officers sexually assaulted her and engaged in other serious misconduct. The woman, who had previously engaged in the commercial sex trade, told booking officers that WPD officers used excessive force during her arrest. When she reported the force incident, she also alleged that one of the officers who arrested her had sexually assaulted her in the past. She specifically alleged that she had "sucked his dick" and performed oral sex on other WPD officers. When the BOPS investigator was unable to

²⁹ According to WPD policy, the disposition "exceptionally cleared" applies when a case is closed because "a factor external to the investigatory process, such as the complainant's refusal to provide essential information, or failure otherwise to cooperate with the investigation, results in the inability to properly conduct and complete the investigation." Worcester Police Department, *Policy and Procedure No. 500, Bureau of Professional Standards Investigations*, at 12 (effective Jun. 2, 2022).

reach the complainant, BOPS closed the complaint as “exceptionally cleared” instead of interviewing the officers about the complainant’s sexual misconduct allegations.

In another case, a prosecutor contacted WPD to report that a WPD officer rubbed his pelvis against a female colleague’s shoulder on three occasions on a single day. The officer asked the woman, “Does that bother you?” The victim told the officer it did. The woman texted another female attorney about what had happened to her before reporting it to the prosecutor. The woman was distraught about the incident and left work early. She ultimately elected not to participate in the BOPS investigation. During the internal affairs investigation, the investigator spoke with three court officers and a probation officer, none of whom saw the specific incident. The investigator remarked that all three court officers interviewed “stated [that the accused officer] was a good guy who was always very helpful and just an all-around good guy.” The investigator also interviewed the officer in question and asked the inappropriate leading question, “[Y]ou didn’t bump into anyone or accidentally rub up against them and made [sic] a statement that you recall?” The officer responded that he did not recall anything occurring that day. The investigator then closed the case as “exceptionally cleared” without interviewing the female attorney whom the victim had texted about the incident or attempting to review the text messages. In closing these and other similar cases, WPD failed to pursue available investigative steps to ensure the case was fully investigated.

Despite being on notice of these concerns and reports of officer sexual misconduct, WPD did not undertake any meaningful efforts to investigate allegations of sexual misconduct or assess the severity of the problem. Nor have they ensured that proper controls were in place—including strong policies, training, and supervisory techniques—to ensure that such egregious behavior would not take place in the future.

D. WPD Lacks Appropriate Policies and Practices to Address Reports of Sexual Assault, Raising Concerns about Gender Discrimination

In addition to the problems with WPD's internal investigations of sexual assault by officers described above, DOJ also has significant concerns about the quality of WPD's investigations into reports of sexual assault by non-officers and the lack of guidance provided to investigators. Although we do not find that WPD's sexual assault investigations violate federal law, we do believe that gender bias may be interfering with WPD's handling of sexual assault investigations.

The Safe Streets Act prohibits gender discrimination in policing. Under this law and its implementing regulations, policing practices that have an unnecessary disparate impact on women are unlawful.³⁰ Sexual assault is rooted in gender inequality. Not every victim³¹ of sexual assault wants to engage with law enforcement agencies or the criminal justice system, but for those who do, WPD should provide victim-centered responses and thorough investigations.

To assess WPD's response to sexual assault, DOJ reviewed dozens of randomly selected sexual assault investigations completed by WPD Sexual Assault Unit (SAU) investigators from January 2018 to March 2023. DOJ reviewed WPD training related to sexual assault and sexual assault investigations. WPD has no policies or manuals governing sexual assault investigations. DOJ also interviewed prosecutors from the Worcester County District Attorney's Office and spoke to advocates and community members.

This review raised significant concerns about the quality of SAU investigations. SAU detectives consistently under-investigate reports of sexual assault, most often by not following up on evidence that could corroborate women's accounts and by conducting limited victim and witness outreach. SAU investigations focus primarily on victim interviews, as opposed to collecting physical evidence and gathering and analyzing other evidence such as medical reports, texts and social media sent or posted by the offender, or witness statements. Investigators rarely interview outcry witnesses—the people who first heard about the sexual assault from the victim—even though they can be critical in corroborating a report of sexual assault. Additionally, investigative files are rudimentary and lack documentation. DOJ further found that SAU is ill-equipped to

³⁰ 34 U.S.C. § 10228(c)(1). See 28 C.F.R. § 42.203(e) (prohibiting recipients of federal funds made available under the Safe Streets Act from “utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination”); see also *United States v. Virginia*, 620 F.2d 1018, 1022, 1024 (4th Cir. 1980) (stating that the Safe Streets Act requires showing that defendants' discriminatory employment practices had an adverse impact on female job applicants, not proof of intentional discrimination, before defendants must demonstrate the challenged practices have a necessary relationship to the job).

³¹ In this report, the use of the term “victim” refers to people who have experienced sexual assault. This is the term generally used in criminal legal definitions of sexual assault in the criminal justice system. DOJ appreciates, however, that many prefer the terms “survivor” or “victim/survivor,” and encourages respect for those preferences.

connect victims with community victim advocacy services, having established relationships with court victim advocates but not community advocates. These flaws undermine public confidence in WPD's ability to appropriately investigate sexual assault.

Many of the SAU investigations reviewed were seriously flawed. For example, one SAU detective's summary of a victim interview relied on problematic stereotypes about the dynamics of sexual assault. Though the woman reported she was sexually assaulted multiple times, in his summary, the detective emphasized that she "did not vocalize any objection" to the sexual assault and "did not attempt to stop the incident." The detective failed to understand the myriad psychological responses victims can exhibit during the trauma of sexual assault. Such uninformed assumptions can place blame on victims and undermine investigations by shutting down legitimate lines of inquiry that could support a successful prosecution.

Like the investigations into officer sexual assault, SAU detectives inappropriately closed cases rather than conduct thorough investigations. SAU closed one investigation after concluding prematurely that the woman filed a false report. Investigators should "never pressure victims to recant or threaten to arrest them if they don't 'confess' to filing a false report."³² Studies have found that false reports are rare, and threatening to file criminal charges has a chilling effect on victims, dismantling trust in the detective and the investigative process and deterring future reporting. It wrongly focuses on proving the falsity of the sexual assault as opposed to objectively conducting an investigation. A police department should only determine that a report is false after a thorough investigation finds that no crime was committed or attempted.

In another example, SAU closed an investigation after refusing to allow a woman to bring her case worker and counselor to her interview. After she alleged that her ex-boyfriend sexually assaulted her, an SAU detective interviewed her and determined that a second interview was needed to obtain more details. When the woman asked if she could have her case worker, counselor, and attorney present during the interview, the SAU detective told her that it "was not common practice" and denied the request. When the woman became upset, the detective, noting that the woman was "emotional" and "distracted," told her that WPD would close her case due to her inability to provide a statement without those individuals present.

SAU detectives also closed some cases solely because they could not reach victims, even though they could have pursued other actionable lines of investigation. For example, one SAU detective scheduled an interview with a woman who reported that she was sexually assaulted. After the woman rescheduled, and then missed her rescheduled interview, the SAU detective called her, but "was unable to make contact." The SAU detective then asked to close the case "until such a time that the victim is willing to come forward."

³² Heather Huhtanen, *Gender Bias in Sexual Assault Response and Investigation, Part 1: Implicit Gender Bias*, End Violence Against Women International (Dec. 2022) at 14, <https://evawintl.org/wp-content/uploads/TB-Gender-Bias-1-4-Combined-1.pdf> [<https://perma.cc/J6P2-2Z7B>].

Another woman reported to a WPD police officer that she was sexually assaulted by her ex-boyfriend. During her conversation with the officer, she produced screen shots of text messages between her ex-boyfriend and his friend, where the boyfriend admitted to performing sex acts on the victim without her consent. An SAU detective scheduled a follow-up interview with the victim, but the victim had to postpone following an injury. The victim said she would call the detective when she was feeling better. The victim did not call the detective, and the detective waited two months to contact the victim to reschedule. After calling the victim and noting in the SAU file that there was no answering machine, the detective requested the case be closed until “the victim is willing to come forward.”

In both cases, the SAU detective knew the name of the suspect. In the latter case, the detective knew of at least one outcry witness and incriminating text messages from the suspect. However, in neither case did the SAU detective attempt alternate methods of reaching the victim or pursue other investigative avenues before closing the case.

DOJ also has concerns about SAU’s use of the “no crime” disposition, which SAU used to close over a third of the cases in the sample DOJ reviewed. SAU detectives stated that this disposition usually meant they did not have probable cause to arrest the suspect. However, file review showed that SAU used this disposition for a variety of reasons, including if the victim did not respond to the detective’s follow up calls, if the victim had mental health issues, or if another person or entity indicated that the victim was being untruthful or had credibility issues. DOJ questions the unit’s determination that the elements of a crime were not present, given the lack of thoroughness of the investigation. The disposition of “no crime” is also insulting to victims and incorrectly implies that SAU proved that no crime had occurred. WPD should use a coding and classification system for sexual assaults that is consistent with national standards.³³

WPD does not consistently provide new SAU detectives with training on the dynamics of sexual assault or how to conduct thorough investigations. Instead, training for new detectives consists of “shadowing” a senior detective as they handle cases.

Appropriately responding to and investigating sexual assaults is a matter of public safety. Failing to adequately respond to and investigate reports of sexual assault diminishes WPD’s legitimacy in the eyes of the community. When the community lacks faith in the police, victims are more reluctant to report sexual assaults, increasing the risk that perpetrators, including officers who have committed sexual assault, will escape accountability and continue to cause harm.

³³ See National Incident-Based Reporting System (NIBRS), <https://bjs.ojp.gov/national-incident-based-reporting-system-nibrs> [<https://perma.cc/652P-3M8U>]. NIBRS is a reporting system that collects detailed data on each crime occurrence, including case clearances. It is the national standard for reporting law enforcement crime data in the United States.

E. WPD’s Enforcement Activities Disproportionately Affect Hispanic and Black People, Raising Concerns about Potentially Discriminatory Policing

The Constitution and federal law prohibit selective enforcement of the law based on race or ethnicity.³⁴ But Hispanic and Black individuals in Worcester are more likely than their white counterparts to be the subject of a traffic stop that ends with an arrest or a written warning, citation, or criminal complaint; more likely to be arrested for minor misdemeanors; and more likely to be the subject of excessive force. Similar disparities exist for Hispanic and Black youth, who are more likely to be arrested for misdemeanors than their white peers.

DOJ does not at this time conclude that these disparities reflect unlawful discrimination by WPD in violation of the Constitution or federal law. Standing alone, racial disparities do not necessarily show racial discrimination. However, WPD’s data plainly show a disproportionate effect on people of color. These disparities—and those perceived by the community and found in the City’s 2024 Racial Equity Audit of the WPD—give rise to legitimate concerns that WPD may be engaging in racially discriminatory law enforcement practices. WPD’s failure to track and analyze crucial data prevents it from understanding what is contributing to the years-long racial disparities in its enforcement data and from working to address those disparities. WPD should improve its data collections policies and systems and meaningfully assess its enforcement data to ensure WPD provides fair and impartial policing services to all Worcester residents and addresses community concerns.

1. WPD’s Enforcement Activities Disproportionately Affect Hispanic and Black People

Traffic Enforcement. WPD disproportionately cites and arrests Hispanic and Black drivers, including for minor offenses. Worcester’s population is 51.8% non-Hispanic white, 12.8% Black, and 24.6% Hispanic. To assess whether WPD discriminates on the basis of race when conducting traffic stops, DOJ analyzed over 38,000 traffic stops documented by WPD officers from January 1, 2017 through November 14, 2022. Our analysis calculated the odds of a particular outcome compared to white drivers, based on the overall demographics of drivers stopped by WPD—not based on overall population in the community.

WPD disproportionately cites Hispanic and Black drivers for minor traffic offenses, including equipment violations (such as a broken taillight) and expired registration or inspection stickers. A Hispanic driver was 93.7% more likely to receive an equipment violation and 12.2% more likely to receive a registration or inspection violation than a

³⁴ The Fourteenth Amendment prohibits intentional discrimination. Title VI of the Civil Rights Act of 1964 and the Safe Streets Act apply to recipients of federal funding, and prohibit intentional discrimination, as well as police practices that have an unjustified disparate impact on the grounds of race. 42 U.S.C. § 2000d (Title VI); 28 C.F.R. § 42.104(b)(2) (Title VI); 34 U.S.C. § 10228 (Safe Streets Act); 28 C.F.R. § 42.203 (Safe Streets Act).

white driver. A Black driver was 80% more likely to receive an equipment violation than a white driver. Though DOJ cannot assess the reason for the stops that led to these disparate outcomes, because WPD does not collect that type of data, these disparities raise concerns WPD may be engaged in discriminatory enforcement practices.

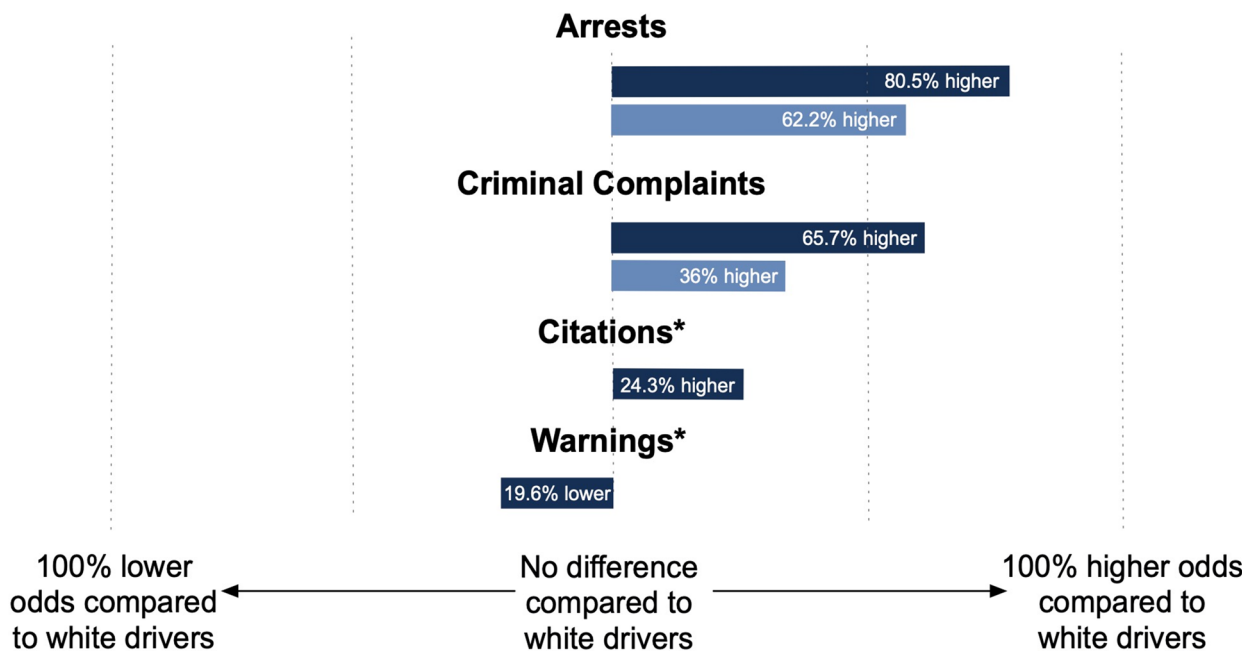
To eliminate race-neutral factors that might explain these racial disparities, DOJ controlled for variables such as the date and time the encounters took place, the age and gender of the people involved, the car type, and the type of law violations. This analysis also took into account that for any given stop, a driver could experience a range of outcomes of increasing severity—from receiving a warning to being arrested.

After controlling for these factors, Hispanic and Black drivers were still more likely than white drivers to experience more punitive outcomes. WPD is more likely to issue criminal complaints to and arrest Hispanic and Black drivers than white drivers. The largest disparities exist for Hispanic drivers compared to white drivers. For both Hispanic and Black drivers, the disparities grow larger as the law enforcement action becomes more severe. Hispanic drivers were also less likely to get off with a warning compared with white drivers. These disparities raise serious concerns.

WPD Traffic Stop Outcomes

January 1, 2017–November 14, 2022

Accounting for race-neutral factors, **Hispanic** and **Black** drivers face higher odds of punitive traffic stop outcomes compared to white drivers.



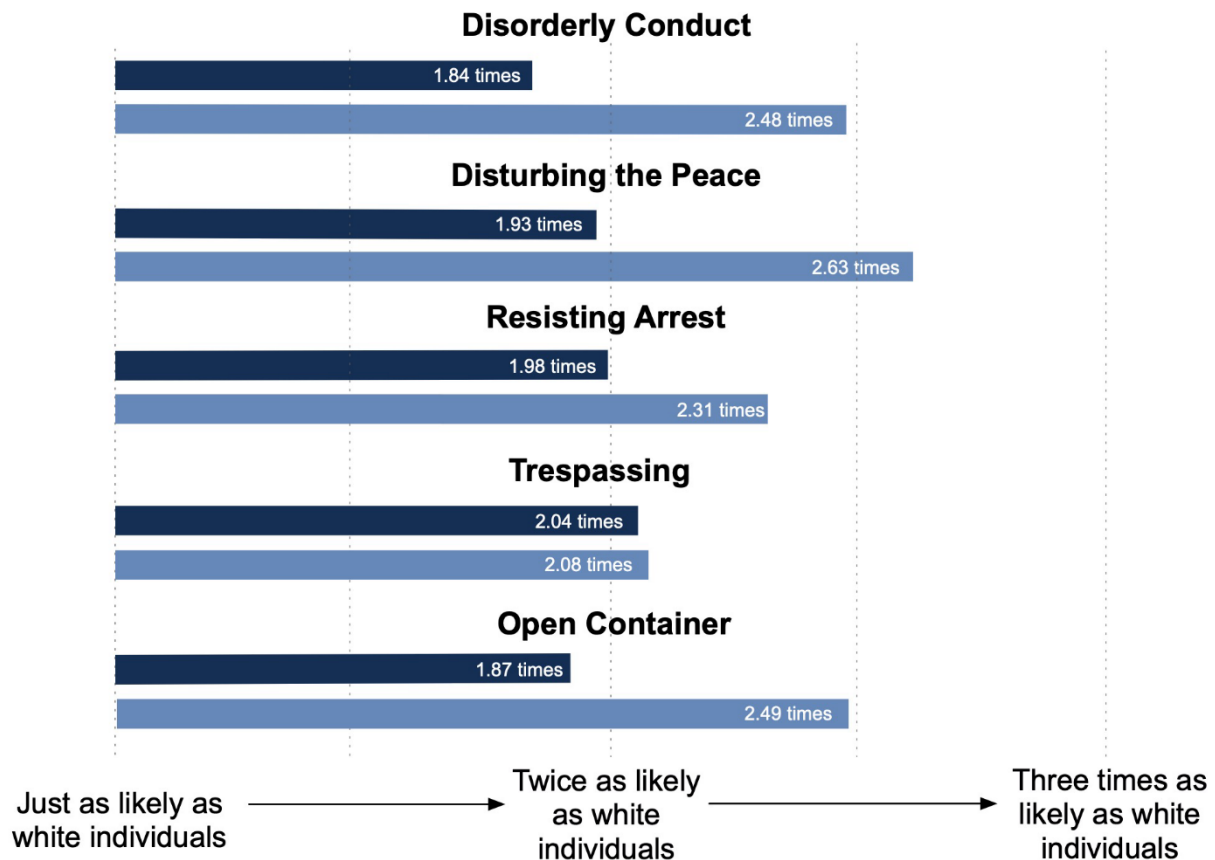
*No statistically significant difference for Black drivers

Arrests for Minor Misdemeanors. WPD is significantly more likely to arrest Hispanic and Black individuals for minor misdemeanors than white individuals, compared to their shares of the population. DOJ analyzed 3,000 misdemeanor arrests from 2017 to 2022 for minor offenses: disorderly conduct, disturbing the peace, resisting arrest, trespass, and possession of an open container of alcohol. The analysis only included arrests where there was not an accompanying felony charge. Arrests for these low-level crimes are highly discretionary but can have lasting consequences.³⁵ Black individuals are at least 2 times more likely to be arrested for minor offenses than white individuals, while Hispanic individuals are between 1.84 and 2.04 times more likely to be arrested than white individuals.

WPD Arrests for Minor Offenses

January 1, 2017–November 14, 2022

Hispanic and **Black** individuals face higher likelihood of arrest compared to white individuals.



³⁵ In addition to having a criminal record, a misdemeanor offense may affect an individual's ability to get a professional license or a job, may affect someone's ability to go to college or receive financial aid, may have child custody implications, or may impact the ability to rent housing. Likewise, a probation sentence or fine imposed based on a misdemeanor can have burdensome consequences.

WPD officers' actions towards Hispanic and Black people during minor arrests can diminish trust in the police department. For example, in one 2018 incident covered by local media, undercover WPD officers arrested a Black man after he filmed an arrest and refused to give officers his phone password. Officers reported that they arrested him because he interfered with an arrest and refused to leave. Officers also took his phone, which they failed to mention in the arrest report. According to the man's deposition testimony, after learning that the man was from Ghana, one WPD officer asked him, "Is this how you fucking monkeys treat your police officers?" before using so much force while the man was handcuffed that he defecated on himself. The man was ultimately charged with disorderly conduct, disturbing the peace, resisting arrest, and interfering with a police officer. He later filed a civil lawsuit against WPD. In the BOPS investigation that was conducted as a result of the civil lawsuit, WPD treated the man's allegation of the use of racist language as mere "discourtesy" rather than as "bias." WPD ultimately cleared the officers of discourtesy and unnecessary force. WPD sustained the allegation that the officer submitted a report that did not mention seizing the phone until 48 days after the incident. Experiences like these reverberate throughout the community and greatly impact its perception of and relationship to WPD.

Hispanic and Black youth also experience disparities in arrests for misdemeanors. Hispanic youth make up 44.7% of Worcester's school district population but make up 51% of youth arrested for disorderly conduct and 54% of youth arrested for trespassing. While Black youth make up 16.9% of Worcester's school district population, they make up 25% of the youth arrested for disorderly conduct, 25% of the youth arrested for disturbing the peace, and 32% of the youth arrested for trespassing. The largest disparity among youth of different races is apparent in resisting arrest charges: 59% of youth charged with resisting arrest were Hispanic, and 41% were Black. WPD did not arrest any white youth for this charge. Despite these disparities, WPD's Juvenile Arrest policy provides no guidance for prioritizing youth diversion.

The 2024 Racial Equity Audit that Worcester commissioned to assess WPD's policing practices recently found disparities in arrests similar to those described here, concluding that Hispanic and Black individuals, including youth, were arrested at a rate disproportionate to their proportion of the Worcester population.³⁶

DOJ's review revealed that WPD sometimes arrested youth for very minor conduct. In one example, after a high school football game, an officer told a group of ten teenagers to leave the parking lot of a pizzeria. One Black teen told the officer he was not going anywhere and proceeded to eat a slice of pizza in what the officer described as "a belligerent and challenging manner." The officer arrested the teen for disorderly conduct and trespassing.

Use of Force. As described above at page 7, Hispanic and Black individuals bear the brunt of WPD's use of force practices. In a randomly selected sample of incidents from

³⁶ Keri Richardson et al., *Final Report: Racial Equity Audit of the Worcester, Massachusetts Police Department*, CNA (2024) at 31, <https://s3.documentcloud.org/documents/24487848/worcester-police-department-racial-equity-audit.pdf> [<https://perma.cc/NE2M-T7JP>].

January 2018 through November 2022, 65% of the individuals subjected to unreasonable force were Hispanic or Black.

2. WPD Fails to Track and Analyze Enforcement Data to Identify and Address Potentially Discriminatory Policing

Although police departments commonly assess their enforcement data to evaluate whether officers treat people differently due, in part, to race, WPD does not. WPD's failure to track and analyze crucial data prevents it from understanding what is contributing to the racial disparities in its enforcement data and working to address those disparities. While racial disparities alone do not necessarily show racial discrimination, these disparities—and those found in the City's 2024 Racial Equity Audit of the WPD—certainly give rise to legitimate community concerns that WPD practices may be unfairly targeting Hispanic and Black people in Worcester.

WPD does not collect critical data. Most notably, WPD fails to routinely record when officers stopped someone but did not issue a formal written warning, citation, or arrest. Officers have wide discretion when choosing whether to approach or stop someone, and without being able to review the complete universe of officers' enforcement activities, it is difficult for WPD to adequately supervise officers and assess whether stops are being performed in a discriminatory manner. Not having stop data also makes it difficult to assess how WPD prioritizes resources to advance public safety.

Even for the traffic stops WPD does document, WPD does not collect and analyze important information regarding those stops in their records management system. WPD does not document the reason for the stop. While WPD has the ability to document whether officers conducted a search and the length of the stop, they almost never do so. WPD does not document whether searches yield contraband, and WPD does not assess the age, race, or gender of the people it stops. These data points can help a department understand whether its officers are applying different standards when deciding whether to stop, search, or arrest people of different races. For example, if WPD searches of Hispanic people rarely turned up contraband, but searches of white people nearly always did, that might be evidence WPD was applying a lower threshold when deciding to search Hispanic people. Without collecting sufficient information about stops, WPD cannot engage in this analysis.

DOJ is aware of problematic incidents that WPD did not document because of its deficient data collection practices. For example, in 2020, WPD officers pulled over a group of Black individuals in a car, took one of the men out of the car, and searched him for no identified reason. Cell phone video captures a Black man with dreadlocks eating in the car, as well as one of the officers telling him, "You look like someone that has a warrant and I just need to confirm or deny it." After half an hour, officers released the man without arrest and told him that he was not the individual they were looking for. Because WPD did not give the man a warning, criminal complaint, or citation and did not arrest him, WPD did not document this lengthy detention or the search.

Further, WPD does not track demographic data in its use of force reporting. DOJ was able to cross-reference use of force information with arrest reports to find the race of individuals in use of force reports, but the process was labor-intensive. Routine analysis of this data would require WPD to change its data collection procedures.

Because WPD does not track important data, it cannot adequately respond to concerns raised by members of the community about racial disparities. In March 2024, the City released the Racial Equity Audit of WPD it commissioned in 2021. The report found “a noticeable gap in perspectives between WPD officers and members of the Worcester community,” as residents consistently expressed concerns about racial bias among WPD officers, while officers do not believe that such bias exists. It also recommended necessary improvements in data collection and analysis, including enhancing its “ability to gather data that identifies racial or ethnic disparities in such areas as use of force, traffic stops, pedestrian stops, and field contacts” and updating WPD’s use of force database to add fields “capturing demographic data about the involved community member (age, sex, and race), a unique identifier (e.g., name) for each person involved, and additional details about the incident.” To its credit, WPD and the City expressed support for improved data collection and transparency. WPD should prioritize these improvements and meaningfully assess the data it collects.

Auditors also suggested that WPD “publicly recognize the findings of this audit’s data analysis that identify [racial] disparities, and . . . take steps to acknowledge past incidents involving communities of color.” The report referenced comments by prior WPD leadership that had alienated the community in the aftermath of George Floyd’s murder in 2020. During public meetings in 2020, former Chief Sargent brushed off incidents of bias within WPD as being from the “archives,” repeatedly claiming that in his 35-year career at WPD, he had never witnessed or heard of any racism at WPD. However, public records requests by local media later made clear that the chief had direct knowledge of specific, recent incidents of bias within WPD: he had personally signed off on investigations into complaints alleging racial bias over the past several years.³⁷ This included an investigation of a 2017 complaint about a WPD sergeant texting the racial slur “fucking n—s” to another officer on a department-issued phone. The audit confirmed that community members still felt tension because of the former chief’s statements and recommended addressing past incidents directly. Interim Chief Saucier took an important first step in March 2024 by acknowledging that “historically there have been police practices that have been negative to communities of color” and “commit[ting] to identifying any of those and rectifying them.”

WPD must respond to community concerns about the significant disparities in law enforcement outcomes by harnessing and understanding data about its enforcement activities and working to meaningfully address disparities. Until it does so, WPD will continue to engender distrust with Worcester’s communities of color.

³⁷ See Brad Petrishen, *Exclusive: Despite Chief’s Claim, Worcester Investigated Racist Police Incidents*, TELEGRAM & GAZETTE (Feb. 8, 2021), <https://www.telegram.com/story/news/2021/02/06/worcester-police-chief-steven-sargent-institutional-racism-denial-telegram-gazette-investigation/4384051001/> [<https://perma.cc/L3H9-SP2Z>].

CONTRIBUTING CAUSES OF VIOLATIONS

The constitutional and federal law violations described above are due, in part, to WPD's poor accountability, supervision, policies, and training. To understand these systems, DOJ interviewed WPD and City officials, reviewed dozens of internal affairs files generated from 2018 to 2022, and reviewed police misconduct investigations completed or authorized by the City. DOJ also reviewed WPD policies and in-service training curricula developed and delivered to WPD officers from 2018 to 2023.

This review revealed that WPD does not appropriately respond to misconduct complaints and rarely holds officers accountable. WPD's policies and training leave critical gaps that contribute to WPD's patterns or practices of unlawful conduct. Finally, WPD does not adequately supervise officers and does not provide supervisors with access to information that could help them more effectively supervise. WPD has taken some steps to address these inadequacies, such as creating a Policy Review Committee to assess WPD policies, but it needs to implement more robust changes to ensure that it has proper systems in place to protect against future violations.

A. WPD Fails to Hold Officers Accountable

WPD does not appropriately accept and investigate complaints of misconduct, allowing unlawful uses of force and sexual misconduct like that described above to go unchecked. An effective accountability system is objective, thorough, and timely. It fully and efficiently investigates complaints filed by officers and the public, including when complaints are anonymous. It imposes fair discipline that is proportional to the violation and considers the officer's prior history. WPD does not have this kind of an accountability system in place. WPD's intake process discourages filing of complaints. Instead of investigators from BOPS, supervisors investigate some complaints, including complaints about excessive force. When BOPS investigators do complete investigations, they neglect to interview important witnesses and reach unsupported or premature conclusions, and the command staff who review and approve BOPS investigations do not correct—or even note—these investigative deficiencies.

1. WPD's Intake Process May Discourage Complaints

WPD's intake process does not make clear that anonymous complaints are permitted. Departmental policy allows for the anonymous submission of complaints, but WPD's online and paper "citizen comment" forms do not state that complaints can be filed anonymously. The online form has fields requesting the complainant's full name, address, and race or ethnicity, but only race or ethnicity is clearly labeled as optional. The paper form requires a signature from the complainant.

Both forms require the complainant to verify the information provided "is true and correct to the best of my knowledge and belief." Such language may discourage some complainants from filing, as it may lead them to believe that they can be criminally charged if the form contains inaccurate information, no matter how immaterial.

WPD also runs criminal background checks on complainants, opening the door to possible bias or retaliation.

2. Supervisors, Not BOPS Investigators, Investigate Some Serious Complaints, Including Complaints of Excessive Force

WPD allows supervisors, instead of BOPS investigators, to investigate some serious or sensitive complaints. According to WPD policy, BOPS investigates some serious complaints, including criminal conduct or corruption, firearm discharges, sexual harassment, domestic violence, and excessive force involving the use of a weapon. But an officer's commander or lieutenant may investigate other serious conduct, like uses of force that do not involve a weapon but are nonetheless significant.

Allowing an officer's supervisor to conduct allegations of serious misconduct is a poor practice. Given their familiarity with the officer and their day-to-day role in providing support to officers, an officer's supervisor is less likely to investigate the matter in a manner that is fair and impartial and avoids the appearance of impropriety.

This is a particular issue for force incidents. DOJ reviewed several incidents where supervisors investigated complaints about significant uses of force. In one example, a WPD supervisor exonerated an officer of a serious allegation of excessive force after crediting the officer's version of events over the complainant's and witness' versions, without even interviewing the officer. The disciplinary history attached to the command investigation showed that from 1997 to 2012, the officer had received fourteen complaints of unnecessary force. None of them were sustained.

In some of the investigations DOJ reviewed, supervisors failed to make diligent efforts to reach complainants, inappropriately credited officers' reports over complainants' allegations without interviewing officers, conducted faulty analyses, reached conclusions that were not supported by the evidence in the record, and neglected to document important evidence, including by failing to conduct civilian witness interviews. Investigations of serious complaints like force should be completed by investigators with the training, time, skills, and inclination to conduct thorough inquiries.

3. BOPS Investigators Reach Improper Conclusions and Fail to Interview Key Witnesses

Investigations completed by BOPS investigators are also seriously deficient. DOJ identified instances where BOPS investigators did not speak to material witnesses and reached conclusions unsupported by the evidence in the record. In some cases where officers had a disciplinary history, investigators failed to appropriately consider that history.

Investigators also reach erroneous conclusions about the reasonableness of force. In one case described above, WPD exonerated an officer who struck a restrained man in crisis in the face for spitting. The officer had been called to assist in transporting someone to a hospital for psychiatric evaluation. After the man began spitting, the WPD officer struck the man in the face. The officer asserted the strike was appropriate to

“momentarily redirect his attention from spitting on [the officer],” and explained that WPD’s training permits force if someone spits or attempts to spit on them. The BOPS investigator reviewed the training materials, which explained officers can use force to repel subjects who are displaying “assaultive” behavior, and determined the officer’s use of the “distraction technique” was “reasonable and appropriate under the circumstance.” As discussed above at pages 9–10, strikes to the head are a serious use of force. The officer should have tried to de-escalate, step away, or use lesser force options first. Nonetheless, WPD command staff and the chief approved the investigator’s report, and WPD exonerated the officer of the force allegation.

4. WPD Officers Are Rarely Disciplined for Misconduct

WPD rarely disciplines officers for misconduct. Of the several dozen BOPS investigations for use of force that DOJ reviewed, WPD sustained allegations in only five cases, though substantially more involved unreasonable force. Furthermore, the sustained findings in those five cases were for reporting violations, rather than the use of force itself. Each officer was exonerated of the more serious allegations. Two officers with sustained reporting violations received counseling or criticism as discipline. Two other cases involved strikes to people receiving medical treatment, described above on page 11. In both cases, the officer received a 5-day suspension for the reporting violation. The fifth case, discussed on page 13, involved a canine handler being untruthful about the events that led to the police dog biting a man. It was not until nearly a year and a half after the incident—after media attention about the inconsistencies between the officer’s report and available video and after the subject secured a \$275,000 settlement—that Worcester’s city manager recommended a 40-day suspension for submitting a false report.

B. Deficient Policies and Training Contribute to Unlawful Conduct

Problems with WPD’s policies and training contribute to WPD’s unlawful practices.

WPD has critical gaps in its policies on the use of force, interacting with people exhibiting symptoms of behavioral health disabilities or a mental health crisis, sexual misconduct, undercover operations, and documentation of law enforcement activities, as described above. WPD’s policy manual also lacks guidance on how to conduct stops. Given the nature of the violations identified in this investigation, WPD should develop and implement policies for each of these areas.

WPD’s existing policies do not offer clear guidance to officers in critical areas, at times providing inconsistent or conflicting directives. For example, WPD’s use of force policy does not allow WPD officers to use less-lethal force on passively resisting individuals, yet WPD’s canine guidelines allow officers to use police dogs to bite individuals who are hiding and do not necessarily pose a threat.

WPD’s training is also deficient. WPD should provide department-level training to address scenarios that its officers confront. WPD relies on the state’s training commission, the Municipal Police Training Committee, for much of its training curricula,

but nothing prevents WPD from providing more training focusing on WPD's specific needs. For example, the state training curriculum provides guidance on the use of fist strikes and Tasers. However, based on how WPD officers use force, they have seemingly interpreted this training to mean that they can immediately punch people and stun them with Tasers merely for tucking their hands under their bodies to avoid being handcuffed. WPD should use its in-house training academy to address this and other common department-specific scenarios.

A training review committee could help WPD proactively identify training needs specific to WPD by reviewing complaints, problematic uses of force, court decisions, research reflecting law enforcement trends, individual unit needs, and changes to Massachusetts law and WPD policy. A training review committee could also help assess whether training is effective by reviewing its impact on officer behavior. For example, consistent with officers' identified training preferences, a training review committee could help ensure that WPD officers receive more hands-on and scenario-based trainings consistent with adult learning principles.

C. WPD Does Not Adequately Supervise Officers

DOJ's investigation revealed systemic deficiencies in supervision at WPD. Proper supervision provides guidance and counseling to officers to ensure they understand the expectations of their role and have the support needed to protect the public while respecting people's rights. However, WPD supervisors fall short, in part because WPD does not provide supervisors with critical information or direction.

As discussed on pages 14–15, DOJ's review of WPD's use of force practices revealed that WPD supervisors do not closely and effectively supervise officers when they use force. During the relevant review period, supervisors lacked access to important resources and information, such as body-worn camera footage. But even when problems were clear on the face of officers' reports, supervisors did not address them.

WPD does not provide supervisors with the necessary tools to understand how officers are spending their time, assess patterns or problems in officer activity, or ensure the proper deployment of WPD resources in line with community priorities. As discussed on pages 31–32, WPD does not collect sufficient data to understand how officers are engaging in field contacts and pedestrian and vehicle stops. More robust data collection and analysis would allow WPD supervisors to provide closer supervision of how officers spend their time and would enable supervisors to assess the effectiveness of the enforcement strategies they employ on their unit or shift. It would also allow supervisors to identify and work to address activity that disproportionately affects people of color.

WPD does not conduct performance evaluations for officers but has committed to exploring implementation of such evaluations. Conducting performance evaluations would provide supervisors with regular opportunities to identify trends in officer performance, provide feedback to those within their chain of command, and consider WPD's needs. Performance reviews would also provide useful information upon which

to base personnel decisions, including promotions, awards, and placement in specialized assignments or units.

WPD has at times failed to hold supervisors accountable for misconduct. In some high-profile instances, WPD supervisors only faced consequences for misconduct after it hit the press, even though WPD knew about the misconduct well before then. Failing to hold supervisors accountable undermines their credibility with both the officers who report to them and the community.

Effective supervision is especially important for officers in specialized units, who have significant autonomy and the latitude to use extra tools like police dogs to carry out their law enforcement duties. WPD should staff these units with officers and supervisors of the utmost integrity, who have shown the ability to follow WPD policies, de-escalate tense situations, solve problems, and handle encounters calmly and without resorting to force wherever possible. However, the people overseeing special units have not always lived up to this standard, and WPD has not adequately addressed leaders' misconduct. For instance, a former commander who oversaw WPD's specialized units made false statements in connection with a drug case that resulted in a man spending time in jail. After the man's conviction was vacated and the City settled with him, the commander was transferred to a different part of WPD but was not otherwise held accountable.

WPD leadership should ensure that supervisors have the tools and data they need to manage and support their units and shifts and to provide close and effective supervision to their officers. Leadership should also exercise appropriate oversight over supervisors and hold them accountable for finding and addressing problems within WPD's ranks.

CONCLUSION

The Department of Justice has reasonable cause to believe that the Worcester Police Department and the City of Worcester engage in a pattern or practice of conduct that deprives people of their rights under the Constitution and federal law. The pattern or practice includes: (1) using excessive force, and (2) engaging in outrageous sexual contact with women while undercover as part of official investigations. DOJ also has serious concerns about: (1) credible reports of sexual assault and other sexual misconduct by WPD officers, (2) gender bias that infects WPD's investigations of sexual assault, and (3) WPD's law enforcement practices that may have an unlawful discriminatory effect on Black and Hispanic individuals. Below, we identify a framework for the remedies that WPD and the City need to implement to improve public safety, rebuild community trust, and follow the Constitution and federal law. DOJ looks forward to working with WPD and the City on a constructive path forward.

RECOMMENDED REMEDIAL MEASURES

The measures below provide a framework for WPD and the City to address the legal violations described in this report, rebuild community trust, and improve public safety. Some of these recommendations have been made to WPD and the City before, including by WPD's 2024 Racial Equity Audit. DOJ looks forward to working with WPD and the City on implementing these recommendations.

Use of Force

- 1. Improve Use of Force Policies and Training.** Revise WPD policies and training to provide clearer guidance on use of force, de-escalation, and using less intrusive alternatives before resorting to force. Provide specific guidance regarding the use of Tasers, including in drive-stun mode, the deployment of police dogs, strikes to the head or face, and interacting with individuals with behavioral health disabilities. Clarify when WPD can use police dogs and where police dog bites fall on the use of force continuum. Ensure canine policies are consistent with WPD's general use of force policies.
- 2. Improve Use of Force Reporting Systems.** Ensure WPD officers report uses of force with sufficient detail to determine whether each use of force is appropriate, including any de-escalation tactics employed and the circumstances preceding the use of force. Require officers to include photo documentation of subject and officer injuries sustained from uses of force.
- 3. Improve Use of Force Review Mechanisms.** Ensure supervisors conduct thorough reviews of officers' uses of force, including reviewing body-worn camera footage. Implement systems for finding unreported force.
- 4. Improve Data Collection and Assessment of Force.** Collect and assess data to identify use of force trends, such as types of force used, demographic data on the subjects of force, and types of encounters leading to the use of force. Implement changes to policies, training, tactics, and enforcement strategies as necessary to address problematic trends found through that review. Ensure officers include demographic details including age, gender, and race in force reports.
- 5. Improve Responses to Behavioral Health Calls for Service.** Track and analyze data about responses to behavioral health-related calls, including when CIT officers respond to the scene. Coordinate with other available resources so that behavioral health professionals can respond to people experiencing a behavioral health crisis. Ensure that WPD deploys officers who are equipped to respond to behavioral health-related issues that need a police response. Conduct regular review and assessment of WPD's response to incidents related to behavioral health.

Officer Sexual Misconduct

- 6. Develop Policies and Trainings Related to Enforcing Laws Related to Buying or Selling Sex.** Provide clear guidance to WPD officers about permissible investigative techniques to enforce these laws, including a complete prohibition on engaging in sexual contact for law enforcement purposes. Develop policies

clarifying how undercover officers may engage with members of the public, the scope of permissible conduct, reporting requirements, and how supervisors review officers' undercover activity. Require officers to record the transport of anyone arrested for a sex offense.

7. **Improve Supervision practices.** Require close and effective supervision of officers who enforce laws related to buying or selling sex and who interact with people involved in the commercial sex trade or confidential informants. Require supervisors to review any reports and audio/video documentation related to enforcement of these laws and require secondary command-level review of these reports. Implement supervisory practices to ferret out potential officer misconduct, such as closely reviewing officer activity, body-worn camera footage, and vehicle location data in locations known for activity related to the commercial sex trade to spot suspicious patterns.
8. **Develop and Implement Policies and Procedures to Report and Investigate Reports of Officer Sexual Misconduct.** Explicitly prohibit WPD employees from engaging in any on-duty sexual conduct, and any on- or off-duty sexual misconduct, which includes the use of coercion, force, threats, or quid pro quo offers, as well as consensual sexual conduct with individuals whom officers encounter as part of their law enforcement duties. Require officers to report sexual misconduct. Adopt a zero-tolerance standard that clearly states engaging in sexual misconduct or failing to report sexual misconduct is grounds for disciplinary action, up to and including termination. Develop policies on coordination between the Sexual Assault Unit and the Bureau of Professional Standards during sexual misconduct investigations. Require comprehensive training for all employees on these policies.
9. **Require background checks.** Ensure WPD does not hire officers known to have engaged in sexual misconduct.
10. **Eliminate Barriers to Reporting.** If charging individuals with low level offenses (such as drug possession or underage alcohol consumption) that are discovered because the person reported sexual assault or officer sexual misconduct, require supervisor approval and consideration of whether the charges would discourage future reporting. Establish requirements for charging such individuals with any other offenses that come to light because they reported sexual assault or officer sexual misconduct.

Sexual Assault Investigations

11. **Trauma-Informed Sexual Assault Investigations.** Develop policies, procedures, and trainings for patrol, BOPS, and SAU detectives that focus on trauma-informed investigations and how to respond to and investigate sexual assault by officers and in the community. Ensure policies and training emphasize that detectives should not close investigations as a matter of course when witnesses and victims are reluctant to speak with police.

Assessing Racial Disparities

12. **Improve Documentation of Police Activity.** Ensure public safety data collection allows for analysis of racial disparities, including for stops (including those that do

not result in a citation or arrest), searches, citations, arrests, force, and investigative activities, as well as the basis for the enforcement action and the results of each search. Ensure data collection allows for analysis of enforcement for youth.

13. **Analyze Data from Enforcement Activity.** Develop capacity to analyze data about disparities in enforcement activities based on race or national origin, including for youth, to understand the cause of any disparities. Publish the results of this data analysis.
14. **Meaningfully Address Disparities.** Where WPD finds racial disparities in its enforcement practices, implement changes to policies, training, supervision, tactics, and/or enforcement strategies to address those disparities. Consider community perspectives when developing corrective action plans.

Accountability

15. **Eliminate Barriers to the Complaint Process.** Ensure civilians can file anonymous complaints. Prohibit requiring criminal background checks of complainants without added justification. Clarify policy so BOPS receives all complaints made during an arrest or booking. Develop policy on the handling of third-party complaints. Ensure that any complaint made is documented and taken seriously. Require WPD officers to handle complaints by members of the public appropriately.
16. **Improve Civilian Complaint Investigations.** Ensure that BOPS conducts investigations of serious misconduct and uses of force. Conduct rigorous investigations of all such complaints, even if an officer is not named, and follow all relevant leads referenced in complaint or that emerge during the investigation, including attempting to speak to all relevant witnesses. Provide training about how to continue with an investigation even if the complainant does not participate. Secure and review any available body-worn camera footage or other video evidence as part of the investigation. Develop mechanisms to find and comprehensively investigate allegations of misconduct, regardless of the reporting source, and regardless of whether the victims or witnesses of such allegations are willing to cooperate with WPD.
17. **Require Officers to Report Misconduct.** Ensure that officers report known misconduct and that WPD holds officers accountable if they do not report misconduct. Prohibit retaliation for officers who report misconduct of other officers.

Supervision

18. **Require Review of Body-Worn Camera Footage.** Continue to require officers to consistently activate body-worn cameras and require supervisors to review footage to monitor officer performance and ensure compliance with WPD policies.
19. **Closely Manage Specialized Units.** Develop clear eligibility requirements for selection into specialized units, including review of past performance, complaint history, and disciplinary history. Continue developing field training program to provide closer supervision of officers, particularly those in specialized units. Provide regular review and audits of the reports, arrests, enforcement strategies, and uses of force of specialized units.