



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

Fair and Impartial Policing

2019-83

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Chief Mark Dubois

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Accreditation Standards: **1.2.9 a-d**

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General Considerations

The Braintree Police Department is committed to protecting the constitutional and civil rights of all citizens. Allegations of biased based profiling or discriminatory practices, real or perceived, are detrimental to the relationship between the Police Department and the community it protects and serves because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing.

Racial, gender, and other types of profiling are illegal and ineffective methods of law enforcement. Biased-based profiling creates an increased safety risk to police department employees and citizens and is a misuse of valuable police resources. Additionally, such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability.

This Department does not endorse, train, teach, support or condone any type of bias, stereotyping, or racial and gender profiling by its employees. This Department is committed to identifying and eliminating any instances of biased based policing in all areas including traffic enforcement, field contacts and asset seizure and forfeiture efforts.

[1.2.9 a]

Policy

It is the policy of this Department that, except in suspect specific incidents, police officers are prohibited from considering the race, ethnic background, gender, sexual orientation, religion, economic status, age,

or cultural group of members of the public in deciding to detain a person or stop a motor vehicle and in deciding upon the scope or substance of any law enforcement action. Officers should: **[1.2.9 a]**

- 1) Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
- 2) Assure the highest standard of integrity and ethics among all members of the Police Department;
- 3) Respect the diversity and the cultural differences of all people;
- 4) Take positive steps to identify, prevent, and eliminate any instances of bias-based profiling by members of the Police Department; and
- 5) Continue the Department's commitment to community policing initiatives and problem-solving strategies including, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

Definitions

Racial and other Profiling - differential treatment by a law enforcement officer based on actual or perceived race, color, ethnicity, national origin, immigration or citizenship status, religion, gender, gender identity or sexual orientation in conducting a law enforcement action, whether intentional or evidenced by statistically-significant data showing disparate treatment; provided, however, that "racial or other profiling" shall not include the use of such characteristics, in combination with other factors, to apprehend a specific suspect based on a description that is individualized, timely and reliable.

Bias-Based Profiling: The selection of an individual(s) for enforcement action based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

Bias-Free Policing – policing decisions made by and conduct of law enforcement officers that shall not consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level.

This definition shall include police decisions made by or conduct of law

enforcement officers that:

1. Are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or
2. Consider a person's race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status, or socioeconomic or profession level because such factors are an element of a crime.

Suspect Specific Incident: An incident in which an officer is lawfully attempting to detain, apprehend, or otherwise be on the lookout for one or more specific suspects who have been identified or described in part by national or ethnic origin, gender, or race.

Procedure

1) Profiling Prevention

- a) Bias-based profiling by employees is prohibited in field contacts and enforcement action, including but not limited to vehicle stops, stop and frisk of an individual, arrests, searches and seizures, the application of force, and initiation of forfeiture proceedings. No asset seizure or forfeiture shall be initiated because of race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group **[1.2.9 a]**
- b) The Training Supervisor should ensure that this bias-based profiling policy is addressed in department training programs in accordance with Massachusetts Police Training Commission (MPTC) guidelines. Annually, the department shall include profiling related training to all enforcement personnel that includes field contacts, traffic stops, legal aspects, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support. **[1.2.9 b]**

2) Identification of Biased-Based Profiling - To identify instances of biased based profiling, this department will take the following steps:

- a) Utilize appropriate citizen complaint procedures to document and investigate allegations of biased-based profiling filed directly with the agency or referred through the Executive Office of Public Safety and Security;

- b) Utilize procedures for the review of performance, complaint and other employment information to assist supervisors in identifying and modifying potentially problematic behavior and to promote professionalism within the department;
 - c) Direct officers to collect data on race, gender and subsequent searches in accordance with the protocol established by the Secretary of Public Safety Security; and
 - d) Where local conditions warrant and the financial and technical resources are available, the department will consider whether it may be appropriate to collect additional data or to engage in analysis beyond that required by the legislative mandate to meet local community concerns and needs.
- 3) Enforcement of Biased-Based Profiling Policy [1.2.9 c]
- a) **Intentional Acts:** Employees discovered to be intentionally engaged in biased-based profiling shall be addressed through appropriate disciplinary action.
 - b) **Unintentional Acts:** Employees who appear to be engaged in unintentional acts of biased-based profiling shall receive additional training, guidance, supervision or review of enforcement activities as deemed appropriate by the Chief of Police.
 - c) **Institutional Practices:** In the event that department practices are discovered to promote or allow biased-based profiling, such practices shall be addressed through policy review and training.
- 4) Complaints of Biased-Based Profiling
- a) This Department will investigate all reported incidents alleging that a member of this Department acted inappropriately because of reasons of biased based profiling. These investigations are carried out to determine if there is any validity to the complaint, and also to identify any potential patterns or trends that may

create the impression that biased- based profiling may be taking place, and to learn if there is any basis for such impressions or perceptions. Where there is a complaint lodged against a member of the Department alleging inappropriate enforcement action or treatment because of reasons of biased-based profiling, the following procedures will be observed:

- i) Any person may file a complaint with the Department if they feel they have been stopped or searched as a result of biased-based profiling. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

- ii) Any member of the Department contacted by a person who wishes to file a complaint alleging that a member of the department engaged in biased based profiling, shall refer the individual to the Shift Commander. The Shift Commander will attend to the individual without any unnecessary delay. It is the responsibility of the Shift Commander to describe the Department's citizen complaint process, when possible provide the individual with a copy of the citizen complaint form, which may be mailed or delivered in person to the police station. The Shift Commander should try and record the person's name, address, and telephone number if the person is unwilling to include this information on the complaint form themselves.

- iii) Any incident where an individual has initiated a complaint where they feel that they may have been the subject of enforcement action or treatment that was a result of biased-based profiling shall be reported to the Deputy Chief of Administration, regardless of whether a formal citizen complaint has been lodged or not.

- iv) Supervisors receiving a complaint alleging biased-based profiling shall forward the complaint to the Deputy Chief of Administration, who will be responsible for reviewing the complaint and ensure that the individual filing the complaint receives written acknowledgement of the complaint, which also explains that there will be follow up contact with respect to the outcome of the investigation.

- v) The Deputy Chief of Administration, in consultation with the Chief of Police, will discuss the investigative process to be followed, and it will be that Deputy Chief of Administration's responsibility to ensure that the complaint is fully investigated in a timely fashion.

- vi) The investigation of the complaint will be fully documented by the investigating supervisor in accordance with the format that is outlined within the Department's ***Internal Affairs/Professional Standards*** Policy.

- vii) Once the investigation report has been filed, it will be reviewed by the Chief of Police, who will make a determination as to the final disposition of the complaint consistent with relevant Policies & Procedures and Rules & Regulations.

- viii) On an annual basis an administrative review of all biased based-profiling complaints and citizen concerns, as well as agency practices will be conducted. The scope of this review should encompass traffic contacts, field contacts, and asset seizure and forfeiture efforts. The purpose of this review is to reveal patterns or trends that may indicate a need for training, policy modification, and/or corrective measures. **[1.2.9 d]**

- (1) The Deputy Chief of Administration will be responsible for this review. This review and analysis is used to determine if there appears to be any patterns or trends that may suggest biased-based profiling may be taking place or creating the perception that such activity is taking place. The review will also take into consideration Departmental practices or activities that could possibly create the impression that biased based profiling is taking place. As part of that review and analysis, the report summarizing the findings will make recommendations with respect to changing department policies, procedures, practices, or activities that may lend themselves to creating any bias impressions. This report shall be submitted to the Chief of Police no later than January 31st of each year.