

BIASED BASED POLICING

	HULL POLICE DEPARTMENT	
POLICY & PROCEDURE NO. 4..10	ISSUE DATE: 22 AUG 2019	
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.9	REVISION DATE: ANNUALLY	

I. GENERAL CONSIDERATIONS AND GUIDELINES

This 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 policing 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. While recognizing that most employees perform their duties in a professional, ethical and impartial manner, this department is committed to identifying and eliminating any instances of biased based policing in all

areas, including traffic enforcement, field contacts and asset forfeiture efforts. [1.2.9(a)]

II. POLICY

It is the policy of the department to:

- A. Provide to all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
- B. Assure the highest standard of integrity and ethics among all our members;
- C. Respect the diversity and the cultural differences of all people;
- D. Take positive steps to identify, prevent, and eliminate any instances of biased based policing by our members; and
- E. Continue our commitment to community policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.
- F. Except in “suspect specific incidents,” police employees are prohibited from considering the race, gender, and national or ethnic origin 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.

III. DEFINITIONS

- A. *Biased Based Policing*: 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.¹
- B. *Racial and Gender Profiling*: Chapter 228 of the Acts of 2000 includes the following definition: the practice of detaining or stopping a suspect based on a broad set of criteria which cast suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.
- C. *Suspect Specific Incident*: An incident in which a police department employee 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.

IV. PROCEDURES

A. Prevention of Bias Based Profiling

- 1. PRACTICE PROHIBITED:** Biased based policing, including racial or gender profiling, is prohibited. [1.2.9(a)]

Suspicious Person Stops

The guidelines for defining suspicious behavior are defined in *Terry v. Ohio 392 vs. 1 (1968)* which requires, prior to stopping an individual, searching or restricting their movement in any manner, that an officer must have a reasonable, articulable suspicion, that the subject to be stopped has engaged in, is about to engage in, or is engaged in criminal activity.

The officer may use their experience and training to determine whether the factors listed above are present; however the race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group of the subject may not be used to determine suspicious behavior and shall not have any bearing on such determination.

No person or business shall have their assets or forfeiture proceeding against them because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group and shall not have any bearing on such determination.

Motor Vehicle Stops

No motor vehicle shall be stopped by a Hull Police officer without a reasonable, articulable belief that the operator of the vehicle has committed, and/or is committing, a violation or infraction. Their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group shall not have any bearing on such determination.

In all instances where an officer stops an individual for suspicious behavior, and/or a motor vehicle stop. The stop must be called into the dispatcher for entry into the log.

All suspicious motor vehicle and suspicious person stops require a written report. The following are acceptable reports:

- Offenses/Incidents
- Field Interview
- Citations
- Written warning
- Verbal warning

Traffic Stop Complaint/Suspicious Person Stop

Any civilian complaint regarding motor vehicle stops and/or suspicious persons stops will be handled in the same method as outlined the Hull Police Department Policies and Procedures.

Semi-Annual Report

The Deputy Chief shall analyze and prepare a written report for all suspicious stops, motor vehicle stops, suspicious persons complaints, and citizen concerns for the preceding six month period.

Supervisor's Responsibility

The shift supervisor shall be responsible for review of all stops and incident reports for compliance with this procedure. Shift supervisors should randomly monitor officers by responding to locations where the stops are conducted.

If such review disclosed that race, ethnic background of the subject, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group was the sole factor in the stop, in violation of the above, the shift supervisor shall forward a report to the officer in charge of the Office of the Chief of Police for further review.

The Deputy Chief of Police shall then forward a report to the Office of the Chief, including a recommendation for action by the Chief.

Training

All members of the police department shall receive training in this area at least once a year. The training shall include but not be limited to:

- Biased policing
- Legal aspects

2. TRAINING [1.2.9(B)]

- a. All department employees engaged in enforcement activities shall receive training in bias based policing.
- b. Such training shall include:
 - 1) The dissemination of this policy to all employees;
 - 2) Instruction in legal aspects of biased base policing; and
 - 3) Training of supervisory personnel to monitor police conduct to identify biased based policing and to ensure that the standards of this policy are being carried out by employees under their supervision.
- c. Training may be supplemented by utilizing the Municipal Police Training Committee, the Municipal Police Institute, Inc., or other certified training programs to help ensure that appropriate employees receive training on biased based policing.

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3. AGENCY-WIDE ANNUAL REVIEW: **The Deputy Chief of Police** shall:
 - a. Review and, where appropriate, revise all procedures that involve the stop, detention, apprehension or search of individuals to ensure that such procedures are in compliance with the provisions of the law and this policy;
 - b. Review all performance recognition and evaluation systems, training curricula, policies and customs of the department to determine if any practice encourages conduct that may support or lead to biased based policing;
 - c. Conduct an annual administrative review of agency practices and citizen concerns. [1.2.9(d)]
 4. PUBLIC EDUCATION: Educate the public, in conjunction with the Executive Office of Public Safety and Security, as well as the Registry of Motor Vehicles, on what to expect when either stopped or detained by a police officer, as well as police expectations during motor vehicle stops or police detainment, to ensure both officer and citizen safety.
- B. **Identification of Profiling:** To identify instances of biased based policing, this department shall:
1. Utilize appropriate citizen complaint procedures to document and investigate allegations of profiling or other forms of biased based policing filed directly with the agency or referred through the Executive Office of Public Safety and Security;
 2. Utilize procedures for the proactive review of performance, complaint and other employment information to assist supervisors in identifying and modifying potentially problematic behavior and to promote professionalism in this department;
 3. Conduct an agency-wide annual review of employee enforcement practices and report the findings to the Chief of Police, to include such data as:
 - a. Traffic Contacts;
 - b. Field Contacts;
 - c. Asset Seizures; and
 - d. Asset Forfeitures.
 4. 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.
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C. Enforcement of Profiling Policy [1.2.9(c)]

1. Intentional Acts: Employees discovered to be intentionally engaged in profiling or other forms of biased based policing shall be addressed through appropriate disciplinary action.
2. Unintentional Acts: Well-meaning employees who appear to be engaged in unintentional acts of biased based policing shall receive additional training, guidance, supervision or review of enforcement activities as deemed appropriate by the Chief of Police.
3. Institutional Practices: In the event that department practices are discovered to promote or allow biased based policing, such practices shall be addressed through policy review and training.

¹ *Standards for Law Enforcement Agencies*, Commission on Accreditation for Law Enforcement Agencies, 5th Edition, A-2.