



RANDOLPH POLICE DEPARTMENT

POLICY AND PROCEDURE

BIAS FREE POLICING

ADM - 3

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Issuing Authority:

Chief Anthony T. Marag

Certification Standards:

Accreditation Standards: 41.4.0

Optional Accreditation Standards:

General Consideration and Guidelines 41.4.0 a

The Randolph Police Department is committed to protecting the constitutional and civil rights of all citizens. Allegations of racial and gender profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve, because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Biased based profiling is illegal and ineffective methods of law enforcement. The method of biased based profiling results in an increase in safety risks to Officers and citizens and to the 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 their Officers. While recognizing that most Officers perform their duties in a professional, ethical and impartial manner, this Department is committed to identifying and eliminating any instances of bias based profiling. This department is committed to bias free policing. [41.4.0 (1)]

Policy 41.4.0 a

It is the policy of the Randolph Police Department to:

- Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
- Assure the highest standard of integrity and ethics among all our members;
- Respect the diversity and the cultural differences of all people;

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- Take positive steps to identify, prevent, and eliminate any instances of bias based profiling by our members; and
- 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.
- It is the policy of this department that, except in “suspect specific incidents,” police officers are prohibited from considering the race, gender, national or ethnic origin of members of the public in deciding to detain a person or stop a motor vehicle, in making any field contacts, in asset seizure and forfeiture efforts and in deciding upon the scope or substance of any law enforcement action.

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 [41.4.0 (3)].

Biased-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.

**Prevention of
Profiling**

41.4.0

To prevent bias based profiling, the Randolph Police Department shall:

- Utilize the Municipal Police Training Committee, other certified training programs, and departmental training to help ensure that appropriate employees receive training on bias based profiling practices, including legal aspects and the standards established by this policy. Training to be conducted annually for all full-time employees and for all new full-time employees upon their assignment to work [41.4.0 (2ABC)].
- Ensure that this policy is disseminated to all employees
Train supervisory personnel to monitor police conduct to ensure that the standards of this policy are being carried out by employees under their supervision.
- 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 bias based profiling.
- Educate the public, in conjunction with the Executive Office of Public Safety and 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.

**Identification
Of Profiling**

41.4.0

To identify instances of bias-based profiling, this department shall:

- Utilize appropriate citizen complaint procedures to document and investigate allegations of bias-based profiling filed directly with the agency or referred through the Executive Office of Public Safety's statewide toll free complaint number. Review policy Internal Affairs and Professional Standards. [41.4.0]
- Utilize procedures for the proactive annual 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; [41.4.0]
- Direct Officers to collect data on race, gender and subsequent searches in accordance with the protocol established by the Secretary of Public Safety; and
- 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

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meet local community concerns and needs.

Enforcement of Profiling Policy

To enforce the provisions of this policy, this department shall:

- Take appropriate action to address documented incidents of bias based profiling.
- Utilize a system of intervention to enable or encourage an Officer to undertake a voluntary modification of his or her conduct or performance.
- Take appropriate measures to correct any institutional practice or policy that has led to the use of bias based profiling. [41.4.0 (2F)]

The Massachusetts Civil Rights Act. The civil rights statute in MA is **Chapter 12 Section 11H**. Under Police Reform has been amended to state that “all persons shall have a right to bias free professional policing,” which makes it a basic civil right. If an officer is biased and as a result his certification through POST is decertified, the officer will not be entitled to qualify immunity and personally open to a civil rights lawsuit.

42 U.S.C. Section 1983. Section 1983 litigation refers to lawsuits brought under Section 1983 of Title 42 of the United States Code. Section 1983 gives an individual the right to sue for monetary damages for harm caused by deprivation of federal constitutional rights—including equal protection of the laws—by state or local governmental officials or those acting in concert with them, that is, under “color of law.”

Review 41.4.0

The Chief of Police shall conduct all annual administrative review of Department policies, practices and agency practices and citizen concerns. This review is designed to reveal patterns or trends using available data that may indicate the need for training, policy modification and/or corrective measures. The review will include such activities as traffic stops, traffic citations, field contacts, asset seizures, and forfeiture efforts review will be conducted at the end of each calendar year. [41.4.0 (2DEF)]