



South Hadley Police Department

POLICY NO. 31

UNBIASED POLICING

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ISSUING AUTHORITY:

Chief of Police

I. POLICY PURPOSE

The purpose of this policy is to reaffirm the South Hadley Police Department’s commitment to unbiased and bias-free policing, to provide guidelines for officers and civilian staff to prevent such occurrences, to protect officers and personnel when they act within the law and Department policy from unwarranted accusations, and to reinforce procedures that serve to assure the public that we are providing professional law enforcement service and enforcing laws in an equitable manner.

II. POLICY STATEMENT

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to the equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference as long as they obey the law. They also are entitled to be free from crime and victimization by criminals, and to drive and walk our public ways safe from the actions of irresponsible drivers. The South Hadley Police Department is charged with protecting these rights, for all, regardless of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level. Because of the nature of law enforcement, officers are required to be observant, identify unusual occurrences and violations of law, and to act upon them. It is this proactive enforcement that keeps citizens free from crime, streets and highways safe to drive upon, and that detects and apprehends criminals. This policy is intended to assist officers in accomplishing their mission in a way that respects the dignity of all persons. It also sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

III. DEFINITIONS

- A. **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.

Bias-free policing by law enforcement officers include policing decisions 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 professional level because such factors are an element of a crime.
- B. **Racial and Gender Profiling** – MGL 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. **Racial or 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.
- D. **Reasonable Suspicion:** Also known as articulable or founded suspicion is suspicion that is more than a mere hunch, which is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that a violation of law has been committed, is about to be committed, or is in the process of being committed by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.
- E. **Fair and Impartial Treatment:** Persons irrespective of race or other distinctions are treated in the same basic manner under the similar circumstances. (This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness or similar conditions or when information about them necessitates different treatment).
- F. **Specified Characteristics:** Race, color, ethnic background, national origin, gender, gender identity or expression, sexual orientation, religion, socioeconomic status, age, disability or political status.

IV. PROCEDURES

- A. It is the protocol of the department to:
1. Provide all people within this community, fair and impartial police services consistent with constitutional and statutory mandates, which are bias-free;
 2. Assure the highest standard of integrity and ethics among all our members;
 3. Respect the diversity and the cultural differences of all people;
 4. Take positive steps to identify, prevent, and eliminate any instances of racial, gender or other biased based policing by our members;
 5. 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.

6. It is the policy of this department that, except in suspect specific incidents, police officers are prohibited from considering the race, color, ethnicity, national origin, age, gender, gender identity or expression, sexual orientation, socioeconomic status, political status, disability, religion or other belief system 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 are also prohibited from biased based profiling in asset seizure and forfeiture efforts. [1.2.9(a)]
7. Racial, other profiling, and Bias based profiling is illegal and is an ineffective method of law enforcement. Bias based profiling results in increased safety risks to officers and citizens and the misuse of valuable police resources. Additionally, such improper methods violate the civil rights of members of the public and may lead to an 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 South Hadley Police Department officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, the South Hadley Police Department is committed to identifying and eliminating any instances of bias based profiling.

B. Prevention of Profiling:

To prevent bias based profiling, the South Hadley Police Department shall:

1. Ensure that this policy is disseminated to all officers, civilian employees and communications employees;
2. All sworn Department members shall be trained in bias-based and bias-free policing issues including legal aspects of biased policing and related topics suitable for preventing incidents of bias based policing.
3. Officers will receive initial and ongoing in-service training and where deemed necessary, remedial training on subjects related to police ethics, police-citizen interaction, standards of conduct, implicit bias, in proactive enforcement tactics, including training in officer safety and cultural diversity. Training will continue to emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action. Criminal Law In-service training will also include training in the legal aspects of bias-based profiling. [1.2.9(b)]
4. Train supervisory personnel to monitor police conduct to ensure that employees under their supervision are carrying out the standards of this policy; [1.2.9(b)]
5. Review, and where appropriate, revise all policies 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; [1.2.9(c)]
6. Review all evaluation systems, training curricula, policies, and customs of the department to determine if any practice encourages conduct that may support or lead to racially or otherwise biased based policing; and [1.2.9(d)]
7. Utilize the data and the analysis of that data as a tool to help identify the decisions, geographic areas, and procedures that should get priority when the Department, with concerned citizens, identify ways to address the problem or perception of bias based policing.

C. DOCUMENTATION: In an effort to prevent inappropriate perceptions of bias-based policing, officers shall conduct pedestrian and vehicle stops in an unbiased manner. The following will occur

1. All police officers document in the Department computer system, either in RMS or CAD, all enforcement related interactions with motorists, whether this activity is self-initiated or dispatched via the Communication Center. Data that will be collected will include, but is not limited to, race, gender, age, reason for the interaction/stop, and search results (if applicable). This data is crucial to not only document our discretionary interactions with motorists and citizens, but to show the racial, gender, and ethnic diversity of the citizens living, driving in, and visiting the Town of South Hadley.
2. Utilize the South Hadley Police citizen complaint procedures to document and investigate allegations of racial, gender, or bias based profiling filed directly with the Department or referred from another agency. Any person may file a complaint with the Department if they feel they have been subjected to bias-based policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
3. The Department will take corrective measures if bias-based policing occurs.
4. 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. If that supervisor has a concern that disparity may exist with any member of this Department, that supervisor will request a more thorough analysis through the Administrative & Investigative Division
5. To meet local, community, and agency needs, the Administrative Lieutenant or their designee shall each fiscal year, after the effective date of this policy, conduct an administrative review of agency practices and citizens' concerns either through an analysis of;
 - a) Written complaints made against officers or the agency or via any other formal or informal correspondence;
 - b) An analysis of the appropriate RMS and CAD data collected on interactions with motorists; and
 - c) Forward all findings to the Chief of Police [1.2.9(d)]
 - d) The Chief of Police will take appropriate measures to correct any Departmental practice, training deficiency or policy that has led to the use of racial or gender or otherwise bias based policing. [1.2.9(c)]