

IDENTIFICATION AND PREVENTION OF BIAS-BASED PROFILING

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 4.10	EFFECTIVE DATE: 03/22/2022
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.9	REVIEW DATE: 03/22/2023

I. GENERAL CONDITIONS AND GUIDELINES

Zero Tolerance for Bias/Gender-Based Policing:

As duly sworn members of the Williamstown Police Department we are absolutely committed to protecting the constitutional and civil rights of all individuals located within our territorial jurisdiction and to those additional jurisdictions where we are allowed by statute, memorandum of understanding/agreement via mutual aid, case law or common law to execute sworn authority as police officers. Any and all allegations of bias-based profiling or any other type of discriminatory practice, whether real or perceived, are detrimental to the valued relationship and partnership that we enjoy between the members of the police department and the communities that we so faithfully protect and serve. Such discriminatory practices only function to erode the basic foundation of public trust and the spirit of cooperation that is so essential to an effective community policing philosophy and formidable community building.

Bias-based profiling is not only illegal, it is an ineffective and counterproductive method of law enforcement. Bias-based profiling results in increased safety risks to both officers and citizens alike and as such will not be tolerated under any set of circumstances.

Additionally, such improper methods violate the civil rights of the members of the general public and may lead to increased exposure to liability for our municipalities. As a result, no member of this department shall endorse, train,

instruct, support or condone any type of stereotyping or bias-based profiling whatsoever. While recognizing that the members of the Williamstown Police Department take a sworn oath to perform our duties and responsibilities in a professional, ethical, moral and impartial manner at all times, we shall stand ready and always remain committed to identifying, investigating and holding those accountable who have occasion to violate or intentionally deviate from any of our existing rules, policies, practices or laws in this important area.

II. DEFINITIONS

Bias Based Profiling – Any prohibited pattern or practice, including but not limited to stopping, detaining, questioning, frisking, and searching by police officers, that is based upon a generalized belief that a person of a particular group is more likely to commit certain types of crimes. This type of inappropriate reliance on certain characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, immigration status, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (e.g., protected characteristics) as the basis for providing differing law enforcement services or enforcement activity as outlined is **strictly prohibited**.

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 and/or particularly described in part by national or ethnic origin, gender, age or race.

III. PURPOSE AND SCOPE

This policy provides specific guidance and direction to all Department members (including sworn and non-sworn) that affirms the Williamstown Police Department's continuing commitment to Constitutional policing practices that are always fair, impartial, objective, and fosters mutual respect, dignity and a spirit of cooperation between law enforcement personnel and members of all racial, identity, and cultural groups.

Note: Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities, while at the same time emphasizing an understanding, appreciation and respect for racial, identity, and cultural differences (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

IV. POLICY

It is the policy of this Department that all bias-based profiling is **strictly prohibited**. Except in “**suspect specific incidents**,” (as defined in II above) police officers and employees are prohibited from considering the race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, immigration status, disability or any other arbitrary characteristic of members of the public when deciding to detain a person during a traffic stop or an investigative detention (e.g., field contact); or in deciding upon the scope or substance of any law enforcement action.

The Williamstown Police Department is committed to providing effective law enforcement services to the entire community with due regard for all racial, cultural, ethnic or other protected characteristics of those served. It shall be the policy of this Department to enforce the law equally, fairly, impartially, objectively and without discrimination toward any particular individual or group. **[1.2.9 (a)]**

Note: Nothing in this policy is intended to prohibit a sworn officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or a group of individuals of a specific characteristic to a specific unlawful incident(s), specific criminal patterns or specific schemes.

V. MEMBER RESPONSIBILITY

In furtherance of this policy all members of the Williamstown Police Department shall:

- Perform their duties in a fair, impartial and objective manner and are responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so based the circumstances, intervene to prevent any biased-based actions by another member.
- Provide all individuals within this community with fair and impartial police services consistent within constitutional and statutory mandates;
- Assure the highest standard of integrity and ethics among all our members;
- Always respect the diversity and the cultural values of all people;
- Take affirmative and positive steps to identify, prevent, and eliminate any instances of bias-based profiling by WPD Officers and employees;

- Continue the valued commitment to a community policing philosophy and problem-solving techniques (e.g., scanning, analyzing, response, assessment), including probative, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and traffic safety awareness;
- Officers who have occasion to contact a person in the course of their duties and responsibilities shall be prepared to articulate sufficient reason(s) for the contact, independent of the protected characteristics of the individual;
- To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview/observation (FIO), citation, parking ticket), the involved officer should include those facts giving rise to the contact, as applicable;
 - **Note:** Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting in accordance with existing law.

VI. PROCEDURES

A. Prevention of Bias Based-Profiling via Training [1.2.9 (b)]

To prevent any occurrences of bias-based profiling, members of this Department shall always:

1. Utilize the Municipal Police Training Committee (MPTC) Basic Recruit Academy and any Department sponsored in-service training programs to help ensure that all employees receive the requisite training on the legal aspects of prevention against any bias-based profiling practices and the mandatory standards as established by this policy. **[1.2.9 (b)]**
2. Ensure that this policy is properly disseminated to all employees, sworn officers, and emergency communications employees;
3. Ensure that all Supervisors will continually monitor employee conduct to ensure that the standards of this policy are being carried out in a continuous manner by all personnel under their supervision;
4. Conduct a documented review by the Internal Affairs Supervisor, when and where appropriate, to revise procedures that involve the stop, detention, apprehension or search and seizure of individuals or their property to ensure that such procedures are in compliance with the provisions of the law of the Commonwealth and this policy;

5. Conduct a Documented Annual Administrative Review by the Chief of Police or designee of all performance recognition and evaluation systems, training curricula, policies, citizen complaints or concerns and customs of the Department to determine if any practice encourages conduct that may support or lead to bias-based profiling. This documented review shall be sent to the attention of the Accreditation Manager for appropriate follow up if necessary. **[1.2.9 (d)]**

B. Identification of Bias-Based Profiling

To assist in identifying instances or allegations of bias-based profiling, this Department shall:

1. 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.
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.

C. Enforcement of Bias-Based Profiling Policy [1.2.9 (c)]

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

1. Take the appropriate actions to address documented incidents or allegations of bias-based profiling;
2. Utilize a system of early intervention to enable and encourage officers and employees to undertake a voluntary modification of his or her conduct or performance; and
3. Take the appropriate measures to correct any institutional practice, pattern or policy that has led to the utilization of any bias-based profiling practice.

VII. SUPERVISOR RESPONSIBILITIES

- Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the steps outlined in the Internal Affairs Investigation Policy.

- Supervisors shall always discuss any concerns with the involved officer in a timely manner.
- Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- Supervisors shall take prompt and reasonable steps to address any retaliatory action that may be taken against any member of this Department who discloses information concerning any bias-based policing practice by another member.

VIII. TRAINING

- Training on fair and impartial policing and review of this policy should be conducted at periodic intervals as directed by the Chief of Police or Lieutenant during In-Service Training and Roll Call Training Sessions.
- All sworn members of this Department shall attend training on the subject of bias-based policing at the MPTC ROC and at applicable intervals at Department In-Service Training.
- All members of this Department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- Each sworn member of this Department who received initial bias-based policing training will thereafter be required to complete an approved refresher course three (3) years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends.
- Refer to policy 2.29 Hate Crimes section XI.