

<b>Somerville Police Department</b> 	<b>TYPE:</b> <b>GENERAL ORDER</b>		<b>POLICY NUMBER:</b> <b>115</b>	<b>VERSION:</b> <b>3.00</b>	
	<b>Subject:</b> <b>Biased Based Policing</b>				
	<b>Issuing Authority:</b> <b>Charles Femino</b> <b>Chief of Police</b>		<b>Signature:</b> 	<b>Effective Date:</b> January 27, 2022	
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<b>Accreditation Standards (5<sup>th</sup> Edition) 1.2.9, TRN-01</b>		<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Amended			
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### Purpose

The Somerville 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 department and the community because the relationship of the department with the community is based on 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 department employees and citizens and is a misuse of valuable resources. Improper methods of enforcement violate the civil rights of members of the public and in addition lead to increased exposure to liability.

The Somerville Police 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, the 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)]

### 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.
- 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.

## Definitions

**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.

**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 policing 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 professional level because such factors are an element of a crime. [TRN – 01]

**Racial and Gender Profiling:** 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.

**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.

## Procedures

### A. Prevention of Bias Based Profiling

- 1. Practice Prohibited: Biased based policing, including racial or gender profiling, is prohibited. [1.2.9(a)]
- 2. Training: [1.2.9(b)]

- a. All department employees engaged in enforcement activities shall receive training in bias based policing.
    - b. This training shall include:
      - (1). The dissemination of this policy to all employees.
      - (2). Instruction in legal aspects of biased base policing.
      - (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.
      - (4). Training may be supplemented by using 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.
  3. Agency-Wide Annual Review: The Patrol Captains shall:
    - a. Review and, where appropriate, revise all procedures that involve the stop, detention, apprehension, or search of individuals to ensure that these 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: To identify instances of biased based policing, this department shall:**
1. Use 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. Use 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 the 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
  - 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.

**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, these practices shall be addressed through policy review and training.