


Framingham State University Police Department		Department Manual: Policy No. 4.30
<i>Subject:</i> BIAS-FREE POLICING		
Massachusetts Police Accreditation Standards Referenced:		
Issue Date June 22, 2021 Effective Date June 25, 2021	Issuing Authority Interim Chief <i>John J. Santoro</i>	

Policy Statement

This policy provides specific guidance and direction to all Department members (including sworn and non-sworn) that affirms the Framingham State University Police Department's continuing commitment to Constitutional Policing principles and 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.

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. The members of the Department shall always emphasize an understanding, appreciation and respect for racial identity, and cultural differences (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

Special Terms

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 race, ethnicity, or national origin 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,

socioeconomic status, age, professional level, cultural group, mental or physical 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**.

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:

- A. Are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or
- B. 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."

Police Services:

Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention; preventive patrol; traffic/field control contacts; public information; education; asset seizure and forfeiture efforts and similar activities.

POST:

Massachusetts Peace Officer Standards and Training Commission

consisting of nine (9) members vested with various powers to oversee police training and allegations of misconduct including, but not limited to, conduct involving allegations of bias.

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.

Policy

It shall be the policy of this Department to adhere to the principles of Bias-Free Policing while always recognizing that any and all bias-based profiling is and shall be **strictly prohibited**. Except in “**suspect specific incidents**,” all Framingham State University Police Officers and employees are **strictly 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 interview observations); or in deciding upon the scope or substance of any law enforcement action. The Framingham State University 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.

However, nothing in this policy is intended to prohibit or restrict an Officer’s ability to consider certain protected characteristics in combination with other 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 a specific illegal scheme(s).

I. PROCEDURES

- A. All members of this Department shall:
 - a. Perform their duties in a fair, impartial and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based profiling to a supervisor. Members should always, when reasonable and practicable to do so, intervene to prevent any biased-based actions by another member of this Department, other law enforcement agency or in general.
 - b. Provide all individuals within the community with fair and impartial policing services consistent within all constitutional and statutory mandates.
 - c. Assure the highest standard of integrity and ethics among all our members in all interactions with the public.
 - d. Always respect the diversity and the cultural values of all people.
 - e. Take affirmative and positive steps to identify, prevent, and eliminate any instances of bias-based profiling by

Framingham State University Police Department Officers and employees.

- f. Continue the valued commitment to a community policing philosophy and problem solving techniques including lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and traffic safety awareness.
- g. 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.
- h. To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview/observation (FIO), parking ticket), the involved Officer should include those facts giving rise to the contact, as applicable.

B. Identification of Bias-Based Profiling:

- a. To assist in identifying instances or allegations of bias-based profiling, this department shall:
 - 1. Utilize appropriate civilian complaint procedures to document and investigate allegations of bias-based profiling filed directly with the agency, referred through the Executive Office of Public Safety's statewide toll free complaint number or made directly to the POST Commission.
 - 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. Utilize procedures to identify patterns of unprofessional police conduct, including, but not limited to, patterns of conduct that is biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level pursuant to MGL Chapter 6E Section 3.
 - 4. Any civilian complaints of bias-based policing, including whether the Officer's conduct was allegedly

biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level, shall be reported to the **POST Commission's Division of Police Standards** by the Department's Internal Affairs officer **within two (2) days** of receiving stated complaint pursuant to MGL Chapter 6E Section 8 (b)(1).

5. The **POST Commission's Division of Police Standards** shall create and maintain a comprehensive database containing information related to an Officer's receipt of complaints and related information, including, but not limited to the officer's appointing agency, date, a description of circumstances of the conduct that is the subject of the complaint and whether the complaint alleges that the officer's conduct was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional pursuant to MGL Chapter 6E Section 8 (e).
6. The **POST Commission** may, after a hearing, **suspend or revoke** an Officer's **Certification** if the Commission finds by the legal standard of **clear and convincing evidence** that the officer was biased on the basis of race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level in their conduct.

C. Enforcement of Bias-Based Profiling Policy:

- a. 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 and approach of early intervention to enable and encourage an employee 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.

- D. Civil Liability [Legal Statutory Right to Bias-Free Policing]:
- a. All persons shall have the legal right to ***Bias-Free Professional Policing*** as outlined in MGL Chapter 6E Section 1.
 1. Any conduct taken in relation to an aggrieved person by a law enforcement officer acting under color of law that results in the **Decertification** of said law enforcement officer by the **POST Commission** pursuant to MGL Chapter 6E Section 10 shall constitute interference with said person's right to bias-free professional policing and shall be a prima facie violation of said person's right to bias-free professional policing and a prima facie violation of subsection (a) pursuant to MGL Chapter 12 Section 11H (a)(1).
 2. No law enforcement officer shall be immune from civil liability for any conduct under color of law that violates a person's right to bias-free professional policing if said conduct results in the law enforcement officer's decertification by the POST Commission pursuant to MGL Chapter 6E Section 10.
 - i. Provided, however, that nothing noted herein shall be construed to grant immunity from civil liability to a law enforcement officer for interference by threat, intimidation or coercion, or attempted interference by threats, intimidation or coercion, with the exercise or enjoyment any right secured by the constitution or laws of the United States or the constitution or laws of the Commonwealth if the conduct of said officer was knowingly unlawful or was not objectively reasonable pursuant to MGL Chapter 6E Section 3.

II. SUPERVISOR RESPONSIBILITIES

- A. 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 department's Accountability and Discipline 4.15 policy.
- B. Supervisors shall always discuss any concerns with the involved Officer face to face - in private whenever possible - in a timely manner.

- C. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- D. 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.

III. TRAINING

- A. To prevent any occurrences of bias-based profiling, members of this Department shall always:
 - a. Utilize any department sponsored in-service training programs to help ensure that all employees receive the requisite training on the legal aspects of identification and prevention against any bias-based profiling practices.
 - b. Ensure that this policy is properly disseminated to all employees, sworn Officers, and emergency communications employees.
 - c. Ensure that all Supervisors will continually monitor employee conduct to guarantee that the standards of this policy are being carried out in a continuous manner by all personnel under their supervision.
 - d. Conduct a documented review by the Department's Internal Affairs officer, when and where appropriate, to revise procedures that involve a 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.
 - e. Conduct a documented Annual Administrative Review by the Department's Training Officer and Internal Affairs Officer 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 and Chief of Police for appropriate follow up if necessary.
- B. The **Municipal Police Training Committee (MPTC)**, in consultation with the Executive Office of Public Safety and Security

(EOPSS), shall establish and develop an **In-Service Training Program** designed to train local law enforcement officials in practices and procedures related to **Bias-Free Policing** which shall include **examining attitudes and stereotypes that affect the actions and decisions of law enforcement officers** pursuant to MGL Chapter 6 Section 116G (b).

- C. Training on fair and impartial policing and review of this policy should be conducted at periodic intervals as directed by Chief or the Chief's designee.
- D. All sworn members of this Department shall attend training on the subject of Bias-Free Professional Policing at applicable intervals at Department In-Service Training.
- E. All members of this Department are encouraged to familiarize themselves with and consider racial and cultural differences among members of the Framingham State University community.
- F. 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.