



POLICY AND PROCEDURE

NO.601

Racial Profiling

Date Issued March 21, 2001	Date Effective March 21, 2001	Revision No.	No. of pages 3
-------------------------------	----------------------------------	--------------	-------------------

1. GENERAL CONSIDERATIONS AND GUIDELINES:

This 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. Racial and gender profiling are illegal and ineffective methods of law enforcement. Racial 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 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 its 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 racial and gender profiling.

2. MISSION STATEMENT:

It is the policy of the 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;
- Take positive steps to identify, prevent, and eliminate any instances of racial or gender 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.

3. DEFINITIONS:

Racial and Gender Profiling – 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.

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.

4. POLICY:

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, and in deciding upon the scope or substance of any law enforcement action.

“This statement means that officers are cautioned that they shall only stop a person or a motor vehicle when they have obtained, prior to any such stop, specific and articulable facts which would lead a reasonable, unbiased person to believe that, at a minimum, reasonable suspicion that a crime or violation has been, is being, or is about to be committed, exists to justify the stop. It is recognized that race, gender, and national or ethnic origin may each be one of several factors, contained in a description of a specific suspect, which contributed to the assessment that reasonable suspicion exists. They can never be used, however, as the sole determining factors for making random stops of persons or motor vehicles, when no specific act or crime is suspected. Officers are further cautioned that once a stop has been made, searches of a person or a motor vehicle can only be carried out when constitutional requirements have been met.”

5. PROCEDURES:

A. Prevention of Profiling:

To prevent racial and gender profiling, this department shall:

1. Utilize the Criminal Justice Training Council or other certified training programs to help ensure that appropriate employees receive training on racial and gender profiling practices and the standards established by this policy;
2. Ensure that this policy is disseminated to all officers and all supervisory personnel.
3. Train supervisory personnel to monitor police conduct to ensure that the standards of this policy are being carried out by employees under their supervision;
4. Review and, where appropriate, revise all procedures 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.
5. 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 racial or gender profiling; and
6. In order to conform to the state of Massachusetts approved policy on racial and gender profiling, we will provide a copy of this policy to the Communications Department for the City of Worcester. It is our recommendation that this policy be distributed to all dispatchers and communications personnel.
7. 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 a motor vehicle stop or police detainment, to ensure both officer and citizen safety.

B. Identification of Profiling:

To identify instances of racial or gender profiling, this department shall:

1. Utilize appropriate citizen complaint procedures to document and investigate allegations of racial or gender 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;
3. Direct officers to collect data on race, gender and subsequent searches in accordance with the protocol established by the Secretary of Public Safety; and
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:

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

1. Take appropriate action to address documented incidents of racial or gender profiling;
2. Utilize a system of intervention to enable or encourage an officer to undertake a voluntary modification of his or her conduct or performance; and
3. Take appropriate measures to correct any institutional practice or policy that has led to the use of racial or gender profiling.

Per:

James M. Gallagher
Chief of Police

JMG:GG:km