



# Fitchburg State University Police Department

<b>Subject:</b> BIAS FREE POLICING	
Reference: IACLEA: 4.1.3 MPAC: 1.2.9 M.P.A.C. Action Item 4, 15	
<b>Effective Date:</b> March 3, 2020	<b>Review Date:</b> November 18, 2021
<b>By Order of:</b> Michael J. Cloutier, Chief of Police	

## General Order

# 4.1.3

### **PURPOSE:**

The purpose of this policy is to require that the Fitchburg State University Police Department conducts policing in a fair and impartial manner, to clarify the circumstances in which officers can consider personal characteristics, or immigration status when making law enforcement decisions and to reinforce processes and procedures that enable us to provide services and enforce laws in an equitable and impartial way.

### **INTRODUCTION:**

The Fitchburg State University Police Department is committed to protecting the constitutional and civil rights of all citizens. Allegations of bias-based profiling or discriminatory practices, real or perceived, are detrimental to the relationship between the Police Department and the community it protects and serves because they strike at the basic foundation of 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. Bias-based profiling creates an increased safety risk to officers and citizens and is a 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.

The Fitchburg State University Police Department prohibits all sworn members from engaging in bias-based enforcement activities. Except in “suspect specific incidents”, employees are prohibited from considering the race, ethnic origin, gender, sexual orientation, religion, economic status, age, national or cultural group or any other

identifiable group in deciding to detain a person during a field contact; or stop a motor vehicle during a traffic contact; or as a factor in deciding upon the initiation of an asset seizure or forfeiture effort; or in deciding upon the scope or substance of any law enforcement action.

IACLEA 4.1.3b /MPAC 1.2.9 a

**POLICY:**

It is the policy of the Fitchburg State University Police Department to:

- Provide all people 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 bias-based policing by our members; and
- Continue our commitment to reduce the incidence and fear of crime, to partner with the community to solve problems, and to enhance public safety in a manner that is reasonable, unbiased, and transparent

**DEFINITIONS**

*Bias Based 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.

*Enforcement Activity:*

Any law enforcement action or contact with an individual(s) in:

1. Determining the existence of probable cause to take into custody or to arrest an individual;
2. Constituting a reasonable and articulable suspicion that an offense has been or is being committed to justify the detention of an individual or the investigatory stop of a vehicle; or
3. Determining the existence of probable cause to search an individual or a conveyance.

*Personal characteristics:*

May include but is not limited to actual or perceived identity, race, ethnicity, national origin, color, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion, and socio-economic status.

*Probable cause:*

Facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur.

*Immigration status:*

Generally, it refers to the legal rights, if any, of a non-citizen to enter or remain in this country. Examples include, without limitation, “lawful permanent resident,” “temporary worker,” “refugee,” and “undocumented.”

*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.

*Reasonable suspicion:*

Suspicion, for which an officer can articulate factual reasons, does not need to rise to the level of probable cause.

IACLEA 4.1.3a

**PROCEDURE**

**A. Policing Impartially**

1. As required by law, all enforcement actions by law enforcement officers, such as investigation, detentions, traffic stops, arrests, searches and seizures, etc. must be based on reasonable suspicion, probable cause, or other or relevant exigent circumstances, supported by articulable facts, circumstances, and conclusions that support the given action.
2. University Police may consider reported race, ethnicity, gender or other personal characteristics of persons based on credible, reliable, locally relevant, temporally specific information that links a person of specific description to criminal incidents and is combined with other identifying information.
3. University Police shall not ask about the immigration status of the person even while seeking an interpreter.

**B. Community Relations**

1. To cultivate and foster transparency and trust with all communities each University Police member (police officer) shall do the following when conducting pedestrian and vehicle stops or otherwise interacting with members of the public unless circumstances indicate it would be unsafe to do so:
  - a. Be courteous and professional;
  - b. Introduce him/herself to person (providing name and agency affiliation), and state the reason for the stop as soon as practicable unless providing this information will compromise officer or public safety, or a criminal investigation;
  - c. Ensure that detention is no longer than necessary to take appropriate action for the known or suspected offense and the University Police member conveys the purpose of the reasonable delays;
  - d. Provide your name verbally when requested. University Police may also provide the information in writing or on a business card;
  - e. In addition to the above, officers should answer relevant questions the person may have if doing so will not compromise safety and/or the investigation.

**C. Responding to Bias-Based Reports or Reports Regarding Bias from the Community**

1. If any University Police member, or employee, receives a call for service that appears to be based solely on an individual's perceived personal characteristics or immigration status, the University Police member will attempt to ascertain if there are other circumstances or facts that would constitute reasonable suspicion or probable cause.
2. If the complainant can offer no further information an officer will be dispatched to observe and visually report on the involved person(s) or situation; however, absent officer observed circumstances or fresh information that would constitute reasonable suspicion or probable cause of suspicious or criminal activity, the matter is to be considered unfounded and no contact with the involved person or persons is permissible.
3. At the conclusion of the call and field response, a call for service and report will be generated.

4. The shift supervisor or OIC shall ensure that a member of the command staff and Chief of Police is made aware of the unfounded complaint.
5. The command staff or Chief of Police will refer a summary of the event to the Bias Incident Response Team (BIRT) for review.
6. If a University Police member receives a report of a potential hate crime or bias-motivated incident, University Police shall dispatch an officer to evaluate the complaint.

#### D. Accountability and Compliance

1. The process for making a complaint shall be readily available to the public. Reasonable efforts should be made to accommodate language barriers.
2. All University Police members are required to promptly report allegations, complaints or knowledge of biased policing or suspected violations of this policy to their supervisor. Where appropriate, employees are required to intervene at the time the biased policing incident occurs.
3. Violations of the policy shall result in appropriate disciplinary action as set forth in the University Police rules and regulations. Supervisors shall ensure that all employees in their command are familiar and in compliance with the content of this policy. Supervisors will be alert for and respond to indications of potential biased policing.
4. All complaints of bias enforcement activity will be investigated under the procedures set forth in **General Order 4.2.1 Compliant Investigations**.

*IACLEA 4.1.3d*

#### E. Training

1. University Police will ensure that, at a minimum, all members and employees are compliant with this policy and legislative requirements regarding fair and impartial policing training.
2. Such annual training may include any of the following:
  - a. The dissemination of this policy to all employees;
  - b. Instruction in the legal aspects of bias-based policing;
  - c. Supplemental training in the form of Roll Call or In-service Training;

## Chapter 4 – Conduct and Professional Standards

- d. Online courses approved by Municipal Police Institute (MPI), Massachusetts Police Training Committee (MPTC), or other recognized training organizations.
3. Supervisors shall also be trained initially upon promotion and retrained at least every two years, to monitor employee's conduct to ensure that the standards of this policy are being carried.

*IACLEA 4.1.3c /MPAC 1.2.9 b*

### C. Corrective Measures

To enforce the provisions of this general order, this department shall:

1. Take appropriate action to address documented incidents of bias or impartial policing.
2. Employees who engage in intentional or unintentional acts of bias or impartial policing shall receive additional training, guidance, supervision or review of enforcement activities as deemed appropriate by the Chief of Police.

*MPAC 1.2.9 c*

### D. Administrative Review

1. An annual review of all investigated complaints shall be conducted and reviewed by the Chief of Police or his designee who shall identify trends or a need for training, policy modification, and/or corrective measures. The findings will be reported to the Chief of Police.
2. The Chief of Police will review the annual review summary and acknowledge in writing that the review was conducted and he/she reviewed the summary.

*IACLEA 4.1.3e, f /MPAC1.2.9 d*

Approval:

  
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Chief of Police

  
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Date