


NORTHAMPTON POLICE DEPARTMENT Administration & Operations Manual		
Policy: Fair and Impartial Policing		AOM: O-203
Massachusetts Police Accreditation Standards Referenced: [1.2.9.a], [1.2.9.b], [1.2.9.c], [1.2.9.d]		Issuing Authority <hr/> Jody Kasper Chief of Police
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I. Introductory Discussion

Profiling, in itself, can be a useful tool in assisting law enforcement officers in carrying out their duties. Bias based profiling is the selection of individuals based solely on a common trait of 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 groups.

Department members are prohibited against bias based profiling and policing in traffic contacts, field contacts, and asset seizure and forfeiture efforts. The Northampton Police Department is committed to protecting the constitutional and civil rights of all citizens. Allegations of racially or otherwise bias based 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.

Bias based profiling is illegal and is an ineffective method of law enforcement. Bias based 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 an 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 Northampton Police Department officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, the Northampton Police Department is committed to identifying and eliminating any instances of bias based profiling.

II. Policy

It is the policy of the department to:

- A. Provide 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 racial or gender profiling by our members; and
- 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. It is the policy of this department that, except in suspect specific incidents, police officers are prohibited from considering the race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group 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. Officers are also prohibited from biased based profiling in asset seizure and forfeiture efforts. [1.2.9.a]

III. Definitions

- A. 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.¹

- B. 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.
- C. 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.²

IV. Procedures

- A. Prevention of Profiling: To prevent bias based profiling, the Northampton Police Department shall:
 - 1. Utilize the Massachusetts Municipal Police Training Committee or other certified training programs to help ensure that appropriate employees receive training about bias based profiling practices and the standards established by this policy; Criminal Law In-service training will also include training in the legal aspects of bias based profiling. [1.2.9.b]
 - 2. Ensure that this policy is disseminated to all officers, civilian employees, dispatchers, and communications employees;
 - 3. Train supervisory personnel to monitor police conduct to ensure that employees under their supervision are carrying out the standards of this policy; [1.2.9.b]
 - 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; [1.2.9.c]
 - 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 racially or otherwise biased based policing; and [1.2.9.d]
 - 6. Educate the public, in conjunction with the Executive Office of Public Safety and Security 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 motor vehicle stops or police detainment to ensure both officer and citizen safety.

¹ See Section 83, Chapter 253 of the Acts of 2020; G.L. c. 90, § 63

² See Section 18, Chapter 253 of the Acts of 2020; G.L. c. 6, § 116G; G.L. c. 6E, § 1

7. Utilize the data and the analysis of that data as a tool to help identify the decisions, geographic areas, and procedures that should get priority when the Department, with concerned citizens, identify ways to address the problem or perception of bias based policing.
- B. Identification of Profiling: To identify instances of racially or otherwise bias based profiling, the Northampton Police Department shall:
1. Have all police officers document in the Department computer system, either in RMS or CAD, all enforcement related interactions with motorists, whether this activity is self-initiated or dispatched via the Communication Center. Data that will be collected will include, but is not limited to, race, gender, age, reason for the interaction/stop, and search results (if applicable). This data is crucial to not only document our discretionary interactions with motorists and community members, but to show the racial, gender, and ethnic diversity of the people living, driving in, and visiting the City of Northampton.
 2. Utilize the Northampton Police citizen complaint procedures to document and investigate allegations of racial, gender, or bias based profiling filed directly with the Department or referred through the Executive Office of Public Safety and Security's statewide toll free complaint number;
 3. 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. This includes a periodic review by supervisors of the racial, ethnic and gender of the motorists that the personnel under their command are interacting with. If that supervisor has a concern that disparity may exist with any member of this Department, that supervisor will request a more thorough analysis through the Department's Administrative Services Division.
 4. To meet local, community, and agency needs, the Administrative Captain or their designee shall, each calendar year after the effective date of this policy, conduct an administrative review of agency practices and community concerns through an analysis of:
 - a) Written complaints made against officers or the agency or via any other formal or informal correspondence;
 - b) An analysis of the appropriate RMS and CAD data collected on interactions with motorists; and
 - c) An analysis of the appropriate RMS and CAD data collected on individuals who were arrested during the calendar year.

Forward all findings to the Chief of Police [1.2.9.d]

- C. Enforcement of Profiling Policy: To enforce the provisions of this policy, the Northampton Police Department shall:
1. Take appropriate action to address documented patterns of bias based profiling;

2. Utilize a system of intervention, including re-training and counseling, to enable or encourage an officer to undertake a voluntary modification of their conduct or performance. If necessary, utilize a system of progressive discipline to address failures to adhere to this policy; and
 3. Take appropriate measures to correct any Departmental practice or policy that has led to the use of racial or gender or otherwise bias based policing. [1.2.9.c]
- D. As part of its in-service training program, this department will disseminate this policy to all new employees, as well as to all Department and Dispatch employees on an annual basis.