



Town of Lexington

Police Department

Subject: Racial and Gender Profiling	
Reference: 1.2.9	
Effective Date: December 1, 2010	Review Date: Annually
By Order of: Mark J. Corr, Chief of Police	

Policy & Procedure

41H

GENERAL CONSIDERATIONS AND GUIDELINES

The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chief's of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 4.10, "Biased Based Policing."

The Lexington Police 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 officers and the citizens we protect and serve, because it strikes at the foundation of public trust. Trust is essential to effective community policing. Racial, gender and other types of profiling are illegal and ineffective methods of law enforcement. Racial profiling results in increased safety risks to officers and citizens, violates civil rights, is a misuse of valuable public resources, and may lead to an increased exposure to liability.

The Lexington Police Department does not endorse, train, teach, support or condone any type of bias, stereotyping or racial and gender profiling by any sworn or civilian employee. While recognizing that most employees perform their duties in a professional, ethical and impartial manner, this Department is committed to identifying and eliminating any instance of unlawful profiling in all areas, including traffic enforcement, field contact, asset forfeiture and other policing efforts. We will retrain if appropriate and discipline when necessary. [1.2.9(a)]

The Department is committed to:

- Providing fair and impartial police services consistent with constitutional and statutory mandates;

- Assuring the highest standard of integrity and ethics among all our members;
- Respecting the diversity and the cultural differences of all people;
- Taking positive steps to identify, prevent, and eliminate any instances of racial or gender profiling by our members; and
- Continuing 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.
- 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.

It is the policy of the Lexington Police Department that:

Except in “suspect specific incidents,” police officers shall not consider 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. **Comm. V. Mercado**, 422 Mass. 367 (1996) states it is permissible to use race as a factor in narrowing the range of suspects when suspect profiling.

PROCEDURES

A. Definitions

1. **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.ⁱ
2. **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.
3. **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.

- B. 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. Such training shall include:
 - The dissemination of this policy to all employees;
 - Instruction in legal aspects of biased base policing; and
 - Training of supervisory personnel to monitor police conduct to identify biased based policing and to ensure that employees under their supervision are carrying out the standards of this policy.
 - c. Training may be supplemented by utilizing 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 Chief of Police or Designee shall:
 - a. 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;
 - 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.
- C. Identification of Profiling: To identify instances of biased based policing, this Department shall:

1. Utilize 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. 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 employees to collect data as a result of police-citizen encounters and subsequent searches in accordance with the protocol established by the Secretary of Public Safety and Security when deemed appropriate; and
 4. 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; and
 - d. Asset Forfeitures.
 5. 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.
- D. 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, such practices shall be addressed through policy review and training.

ⁱ *Standards for Law Enforcement Agencies*, Commission on Accreditation for Law Enforcement Agencies, 5th Edition, A-2.