



CIVIL RIGHTS

General Order Number: 4.2

Effective Date: December 14, 2016

POLICY:

It is the policy of the Brookline Police Department to ensure that the civil rights of all persons are protected against interference by acts or threats of violence. This department recognizes the serious impact of such crimes and their intimidating effect on victims, other members of the victim's racial, ethnic, or religious group, and the community as a whole.

The investigation of such crimes is considered a critically important matter. Members of this department are expected to take immediate action to identify the perpetrators, fully report the incident, and request complaints when appropriate. This will enable the department to maintain community stability and confidence in the rule of law and reduce the potential for serious violence.

DEFINITION:

CIVIL RIGHTS VIOLENCE: An incidence of "civil rights violence" will include all incidents where there is a violation of the following:

Mass. Gen. Law, Chap. 265, Sec. 37 (Massachusetts Civil Rights Act);

Mass. Gen. Law, Chap. 265, Sec. 39 (Racial and Ethnic Intimidation Act);

Mass. Gen. Law, Chap. 266, Sec. 127-A (Defacing or Destroying Religious Facility);

OR

Evidence that the incident or injury occurred because of race, color, religion, national origin, ethnic group, ancestry, gender identity or sexual orientation.

PROCEDURES:

- 1. RESPONSE:** Responding officers shall take steps to control the situation and, if appropriate, arrest persons who have committed an offense for which an arrest may be made without a warrant. In all cases of arrest, complaint applications shall be made by arresting officers. If a summons is requested, the reporting officer shall make the appropriate complaint applications.

2. **INVESTIGATION:** The investigation by the responding officers shall include taking complete victim and witness statements, documenting as precisely as possible all words spoken by the perpetrator(s) to the victim or others. Phrases such as "racial slurs," etc., are not appropriate; **the exact words spoken must be reported.** Officers shall ascertain whether the victim has been subject to any similar incidents or whether the perpetrator has acted similarly in the past. Any physical evidence of the perpetrator's motivation (such as ethnic graffiti or symbols) should be photographed before removal. The victim should be treated with sensitivity, informed of further investigatory efforts, and assured of prompt police response in the event of further incidents.
3. **REPORTS:** Reports of responding officers shall include a notation that there has been either a possible or determined violation of civil rights. This notation shall be included in the body of the report, plus if an arrest has been made for a civil rights violation. In those cases where an officer is unsure whether or not a civil rights violation has occurred, they shall note the possibility of such in the body of the report and request review by the department's Detective Division. All reports concerning this subject matter shall be kept confidential. Investigative reports shall be forwarded to the Detective Division, for determination of further investigation and/or charges to be sought. A copy of the investigative report shall be forwarded to the District Attorney of Norfolk County, when appropriate, from the Office of the Chief of Police.
4. **FOLLOW-UP INVESTIGATIONS:** Follow-up investigations shall be conducted by the Detective Division. The victim(s) shall be promptly advised of the results of the investigation and the prosecution. If a civil injunction appears to be appropriate in the circumstances, the Chief of Police, or their designee, shall consult with the Civil Rights Division of the Department of the Attorney General of Massachusetts.
5. The Chief of Police shall appoint a Detective Sergeant assigned to the Criminal Investigations Division to act as the designated Civil Rights Offense Investigator.
6. **PUBLIC INFORMATION:** Public information shall originate from the Chief of Police, or their designee, and they shall be the sole public spokespersons for the department regarding investigation of civil rights violations. As appropriate, civic, community, and religious leaders will also be informed.
7. **TRAINING:** Patrol officers and supervisory personnel shall receive training on the subject of civil rights violations as part of the department's training program.
8. **PROHIBITION AGAINST DISCRIMINATORY PRACTICES:** The Brookline Police Department shall adhere to the highest standards of conduct in the enforcement of applicable laws and strictly prohibits any enforcement action based solely on an individual's race, ethnicity, age, gender, gender identity, sexual orientation, religion, economic status, cultural group, or any other identifiable group.

PROCEDURE:

- A.** No officer shall conduct a traffic stop, field interview, asset forfeiture, or seizure of any person when such action is based solely on that person's race, ethnicity, age, gender identity, sexual orientation, religion, economic status, cultural group, or other identifiable group affiliation.
- B.** All personnel of the Brookline Police Department will afford every citizen the highest level of courtesy and respect during all interactions.
- C.** All complaints alleging discriminatory practices will be fully investigated pursuant to the Brookline Police Department Citizen Complaint Procedures.
- D.** Personnel aware of violations of these procedures shall immediately take action to stop the violations and report the inappropriate conduct through the chain of command.
- E.** All complainants alleging discriminatory practices will be afforded the opportunity to utilize the services of the Board of Selectmen upon conclusion of the investigation.
- F.** The Office of Professional Responsibility will be notified of any complaint of discriminatory practices and coordinate the investigation in accordance with the Citizen Complaint Procedures.
- G.** The Brookline Police Department maintains a zero-tolerance stance regarding discrimination in any form, including bias-based profiling, and is committed to the adoption of operating systems that ensure equal treatment for all citizens.
- H.** An analysis of complaints received alleging discriminatory practices will be conducted and if necessary, affirmative steps will be initiated to address any behavior or perceptions not consistent with this policy including additional training, counseling, or disciplinary action.