



POLICY AND PROCEDURE

NO.515

Civil Rights

Date Issued January 7, 1994	Date Effective January 7, 1994	Revision No.	No. of pages 3
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It is the policy of the Worcester Police Department to ensure that the civil rights of all its inhabitants are protected against interference by acts or threats of violence. This Department recognizes the serious impact of such crimes and their intimidating effect on the victims, other members of the victim's racial, ethnic, or religious group, and the community as a whole.

The investigation of such crimes will be considered a critically important matter. Members of this department will be expected to take immediate action to identify the perpetrators, arrest them, and bring them to court, thereby maintaining community stability and confidence in the rule of law and reducing the potential for serious violence.

In consultation with the District Attorney, this Department will seek complaints or indictments under the Massachusetts Civil Rights Act (G.L. c. 265, S37) or under other statutes (such as G.L. C.265, S 39 OR C. 266, S 127A) which are useful tools for deterring future misconduct, securing appropriate penalties and protecting potential victims of such crimes.

PROCEDURES:

Definition:

An incident of civil rights violence will include all incidents where there is a violation of G.L. c 265, S 37 (Mass. Civil Rights Act) or c. 265, S 39 (Racial and Ethnic Intimidation Act) or c. 266, S 127A (Defacing or destroying religious facility) See Appendix), or evidence that the incident or injury occurred on account of race, color, religion, national origin, ethnic group or ancestry.

Field Procedures:

The officers who first respond to the scene shall, as appropriate, take steps to control the situation and apprehend the perpetrator. They shall also notify the Chief of Police or his designee that an incident of civil rights violence has occurred. Investigation of such incidents shall include taking complete victim and witness statements, documenting as precisely as possible all words spoken by the perpetrator(s) to the victim or to others, and ascertaining whether the victim has been subject to any similar incidents or whether the perpetrator(s) 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.

Reporting:

Any incident of civil rights violence should be noted as such in the incident report. A copy of the incident report and all appropriate documentation shall be furnished to the Chief of Police or his designee for determination of further investigation and charges to be sought. It is encouraged that a copy of the incident report also be sent to the District Attorney's Office.

Follow-Up:

The victim(s) should be promptly advised of the results of the investigation and prosecution. If a civil injunction appears to be appropriate in the circumstances, the Chief of Police or his designee shall consult with the Civil Rights Division of the Department of the Attorney General-- (617) 727-1090.

Public Information:

The Chief of Police or his designee shall act as the sole public spokesman for the Department regarding investigation of civil rights violence. Appropriate, civic, community and religious leaders will also be informed.

Training:

Patrol officers and supervisory officers are strongly encouraged to attend training on the subject of combating racial and religious violence through enforcement of the civil rights acts. Training sessions are regularly offered through the Criminal Justice Training Council and other regional training centers. Training may also be made available as part of the Department's training programs.

Per:

Edward P. Gardella

Chief of Police

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APPENDIX:

A. The Massachusetts Civil Rights Act, G.L. c. 265, S 37 General Laws ch. 265, S 37, provides:

No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the United States. Any person convicted of violating this provision shall be fined not more than one thousand dollars or imprisoned not more than one year or both; and if bodily injury results, shall be punished by a fine or not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

B. General Laws ch. 265, S 39, provides:

Whoever commits an assault or a battery upon a person or damages the real or personal property of another for the purpose of intimidation because of said person's race, color, religion, or national origin, shall be punished by a fine of not more than five thousand dollars or not more than three times the value of the property destroyed or damaged, whichever is greater, or by imprisonment in a house of correction for not more than two and one-half years or both.

C. General Laws c. 266, S 127A, provides:

Any person who willfully, intentionally and without right, or wantonly and without cause, destroys, defaces, mars, or injures a church, synagogue or other building, structure or place used for the purpose of burial or memorializing the dead, or a school, educational facility or community center of the grounds adjacent to and owned or leased by any of the foregoing shall be punished by a fine of not more than three times the value of the property so destroyed, defaced marred or injured, whichever is

greater, or by imprisonment in a house of correction for not more than two and one-half years, or both; provided, however, that if the damage to or loss of such property exceeds five thousand dollars, such person shall be punished by a fine of not more than three times the value of the property so destroyed, defaced, marred or injured or by imprisonment in a state prison for not more than five years, or both.