



# City of Newton Police Department **GENERAL ORDER**

**DAVID L. MACDONALD**  
CHIEF OF POLICE

GENERAL ORDER: 406

TO: All Sworn Personnel

EFFECTIVE: March 25, 2004 (Revised/reviewed 05/16/16, 06/06/18, 03/21/19)

SUBJECT: Commitment to Unbiased Policing

**PURPOSE:** To reaffirm the Newton Police Department's commitment to unbiased policing and to reinforce the lawful and constitutional procedures that serve to maintain the public's confidence in our ability to provide service and enforce the law in a fair and equitable manner.

**COMMENTARY:** This policy seeks to reinforce the "probable cause" and "reasonable suspicion" criteria for any and all stops and searches. Officers routinely perform traffic enforcement and other citizen contacts. For the individual or parties who are stopped, however, this can sometimes be an emotional and upsetting experience. Officers should be aware of these possibilities and strive to make each contact educational, informative and leave the individuals with an understanding that the officer performed a necessary task in a fair and professional manner.

This policy also seeks to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions, similar to the way in which height, weight, age, hair color, etc. may be considered when given the description of a specific suspect involved in a specific criminal incident.

**POLICY:** It is the policy of the Newton Police Department that all police-initiated actions, which includes all investigative detentions, traffic stops, arrests, seizures of persons and/or property, will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution, Article 14 of the Massachusetts Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions, which support probable cause or reasonable suspicion. Officers shall not consider race, ethnicity, national origin, religion, age, gender, gender identity or sexual orientation as the only criteria in establishing either reasonable suspicion, probable cause, or as a basis for requesting consent to search.

Officers may take into account the reported race, ethnicity or national origin of a specific suspect or suspects in the same way they would use specific information regarding age, height, weight, etc. about specific suspects relating to specific unlawful incidents. Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

DEFINITIONS:

*Biased-Based Policing* : The selection of an individual or group of individuals for enforcement action based solely on a personal trait that is common to a group of people. Traits of this type include, but are not limited to: race, ethnic background, gender, sexual orientation, gender identity, religion, economic status, age and cultural group.

*Reasonable Suspicion*: Suspicion that is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that a violation of law has been committed, is being committed, or is about to be committed by the person or persons under suspicion. Reasonable Suspicion can be based on the observations of a police officer in light of their training and experience and/or reliable information received from credible outside sources.

*Probable Cause*: The existence of facts and circumstances which would lead a person of reasonable intelligence and prudence to believe that a crime has been committed.

TO PREVENT  
PERCEPTIONS OF  
BIASED POLICING:

In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting vehicle stops, pedestrian stops and other forms of citizen contacts:

- Approach the individual(s) efficiently and courteously and state the reason for the stop as soon as practical, unless providing such information will compromise officer or public safety. In a traffic stop, the officer shall provide the reason for the stop prior to requesting the license and registration.
- Ensure that the stop/detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen is told the reason for any unavoidable delays.
- Answer any questions the citizen may have in a professional, courteous and complete manner, including options for traffic citation disposition if appropriate.
- If requested, the officer shall provide his or her name and badge number in writing or on a business card.
- If the officer determines that the reasonable suspicion was unfounded, the officer shall professionally explain the misunderstanding.
- If necessary, the officer shall explain in detail the process the individual may pursue if he or she would like to submit a formal complaint.

Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct search and/or seizure or otherwise fulfill the officer's law enforcement obligations.

COMPLIANCE WITH  
STATE STATUTES:

Newton Police Officers shall comply with any and all statutes and laws relating to the elimination of biased policing. This includes the documentation of the race and gender of all persons issued any type of citation or arrested in regard to a traffic infraction. The officer shall indicate whether or not a search was initiated as a result of the stop by checking the appropriate box on the citation.

The resulting statistical data shall be analyzed annually by the department Internal Affairs Officer and copies of all citations will be submitted to the Registry of Motor Vehicles as required by law. In addition, the annual review of citizen complaints will include specific attention to issues of unbiased policing. Should regular review of the data or other observations reveal departmental or individual problems with adherence to this policy, appropriate action will be taken. Such actions may include policy review, training and/or discipline.

TRAINING:

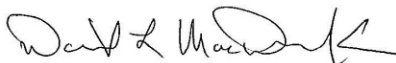
All sworn police department personnel will receive training on the dangers of biased-based profiling and discrimination, including all associated legal issues, statutory requirements and policy review.

As stated above, additional remedial training will be provided should review of internal data, observations by fellow officers or supervisors and/or citizen complaints indicate problems among individual members of the department.

DISCIPLINE:

Continued lack of adherence to this policy will result in disciplinary action. Failure to report any observed or known violations of this policy by any member of the department will also result in disciplinary action.

Per Order of:



David L. MacDonald  
Chief of Police