

# **Waltham Police Department**

## **CIVIL RIGHTS**

### **CHAPTER 90**

*General Order Number: GO-03*

*Effective Date: 01/2009, 08/2020*

*Accreditation Standard #:*

#### **POLICY:**

It is the policy of the Waltham 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 will be considered a critically important matter. Members of this department will be 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, or ancestry.

#### **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, arresting officers shall make complaint applications.

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, he shall note the possibility of such in the body of the report and request review by the department's Civil Rights Officer. All reports concerning this subject matter shall be kept confidential. Investigative reports shall be forwarded to the Chief of Police, or his designee, 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 Middlesex County, when appropriate, from the Office of the Chief of Police.
4. **FOLLOW-UP INVESTIGATIONS:** Follow-up investigations shall be conducted by the Chief of Police, or his designee, whenever appropriate. 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 his designee, shall consult with the Civil Rights Division of the Department of the Attorney General of Massachusetts.
5. **PUBLIC INFORMATION:** Public information shall originate from the Chief of Police, or his 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.
6. **TRAINING:** Patrol officers and supervisory personnel shall receive training on the subject of civil rights violations as part of the department's training program.
7. **CIVIL RIGHTS OFFICER:** A Civil Rights Officer shall be designated by the Chief of Police. All reports of civil rights violations shall be referred to him. It shall be his responsibility to notify other agencies at the direction of the Chief of Police.