

SALEM POLICE**DEPARTMENT MANUAL****CHAPTER 72.0****DATE OF ISSUE**

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SUBJECT:**HANDLING CIVIL RIGHTS VIOLATIONS****ISSUING AUTHORITY**

Approved by Mary E. Butler

REFERENCE(S): CALEA STANDARDS**PAGE**

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 NEW **AMENDS** **RESCINDS****SPD WEBSITE****72.1 GENERAL CONSIDERATIONS AND GUIDELINES**

An incident of civil rights violence occurs whenever there is a violation of MGL C265 - 537 (Mass. Civil Rights Act); C265 - S39 (Racial and Ethnic Intimidation Act); C266 - 5127A (Defacing or Destroying a Religious Facility); or, if there is evidence that an incident or injury occurred as a result of an act involving race, color, religion, national origin, ethnic group, or ancestry. When and if an act such as this does occur within our community, the members of this Department have a legal responsibility to strictly enforce these laws to the letter. We also have a moral responsibility as public servants to make every effort to diffuse or resolve any real or potential situations.

Therefore, it shall be the policy of the Salem Police Department to ensure that the civil rights of all residents and visitors are protected against interference by acts of violence, or threats of violence. In doing so, the Department will recognize the serious impact of such crimes; their intimidating affect on the victim(s); other members of the victim's racial, ethnic, or religious group; and the community as a whole.

The investigation of such crimes shall be considered a critically important matter. Members of this Department will be expected to take immediate action for the purpose of identifying perpetrators in order to arrest them and bring them before the court, thereby helping to maintain community stability and

confidence in the Department's ability to enforce the law, and to minimize the potential for serious violence. It shall also be understood that these goals will be accomplished through liaison and consultation with the District Attorney's Office when seeking complaint, indictments, or relative advice.

The procedures outlined in this document are to be strictly and carefully adhered to. Copies of the applicable General Laws are attached and officers should familiarize themselves with the content.

72.2 PROCEDURES

72.2.1 REPORTING: Any incident of Civil Rights violence shall be so noted by code on the Incident Report, and on subsequent written reports and documentation. Copies shall be furnished to the Chief of Police for determination of further investigation and possible charges to be sought. Copies shall also be sent to the Essex County District Attorney's Office.

72.2.2 FIELD PROCEDURES: Officers who respond to the scene shall first determine whether an actual Civil Rights violation has occurred. If so, then a superior officer shall take charge of the primary investigation. Appropriate steps shall be immediately taken to gain control of the situation, and to apprehend the perpetrator(s) if possible. Also, the Chief of Police and the appropriate area Commander shall be notified and apprised of the matter, and the current status.

Investigation of such incidents shall include:

- Taking complete victim and witness statements;
- Documenting precisely as possible, all words spoken by the perpetrator(s) to the victim(s) or to others;
- Ascertaining whether the victim has been subject to any similar incidents, or whether the perpetrator has acted similarly in the past; and,
- Documenting, or gathering, any physical evidence of the perpetrator's motivation (such as graffiti or symbols).

It is imperative that all victims of Civil Rights violations are treated with the utmost of sensitivity are kept informed of further investigatory efforts according to Department procedure, and be assured of continued prompt police response in the event of further incidents.

- 72.2.3 FOLLOW UP:** All follow up investigations shall be conducted in accordance with Policy and Procedure #PP34.0 (FOLLOW UP INVESTIGATIONS). The District Attorney's Office shall be consulted on all complaints and indictments sought.

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.

- 72.2.4 PUBLIC INFORMATION:** All public information regarding Civil Rights violations shall be governed strictly by the procedures contained and outlined in Policy and Procedure #PP51.0 (PUBLIC INFORMATION).

As appropriate, civic, community, and religious leaders will be informed of the specifics of a Civil Rights violation. Also if appropriate and whenever possible, the Department shall take the initiative in soliciting community action and involvement to avoid future incidents.

- 72.2.5 TRAINING:** When available through the Mass. Police Training Council (MPTC) the Department shall accept the responsibility of providing training to members on the subject of combating racial and religious violence through the enforcement of Civil Rights acts.

MASSACUSETTS GENERAL LAWS**Mass. General Law Chapter 265 - Section 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 Commonwealth, or the Constitution and laws of the United States. Any person convicted of violating this provision shall be punished by a fine of not more than one thousand (\$1000) dollars or by imprisonment for not more than one year, or both; and if bodily injury results, shall be punished by a fine of not more than ten thousand (\$10,000) dollars, or by imprisonment for not more than ten years, or both.

Mass. General Law Chapter 265 - Section 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 (\$5000) dollars or not more than three (3) 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.

Mass. General Law Chapter 266 - Section 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 or structure or place used for the purpose of burial or memorializing the dead, or a school, educational facility or community center or the grounds adjacent to and owned or leased by any of the foregoing or any personal property contained in any of the foregoing shall be punished by a fine of not more than two thousand (\$2000) dollars or not more than three times the value of the property so destroyed, defaced, marred or injured, 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 (\$5000) 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 (5) years, or both.

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