

INTERACTIONS WITH TRANSGENDER INDIVIDUALS

STOW POLICE DEPARTMENT POLICY & PROCEDURE NO. 9.01	ISSUE DATE: September 23, 2020
	EFFECTIVE DATE: September 23, 2020
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:	REVISION DATE:

a. **Introductory Discussion**

- A. The purpose of this policy is to establish guidelines for the appropriate treatment of transgender individuals who come into contact with the Stow Police Department. It is the general policy of the Stow Police Department to treat all individuals with dignity, respect, and professionalism. Therefore, this policy shall be enforced in order to create mutual understanding, prevent discrimination and conflict, and ensure the appropriate treatment of transgender individuals within the community.

b. **Definitions**

1. **Employee/Officer:** A sworn officer or civilian who works directly for the department. For this policy “Officer” also refers to employee sworn or civilian.
2. **Gender Expression:** External manifestations of an individual’s gender identity, which may or may not be consistent with those traits typically associated with a person’s assigned sex at birth. External manifestations of gender identity may be, expressed through one’s name, pronouns, clothing, haircut, behavior, voice, or body characteristics
3. **Gender Identity:** A person’s deeply-held internal sense of their own gender, regardless of whether their, appearance, or behavior, differs from, the person’s sex

assigned at birth. An individual may identify as a man, woman, or Nonbinary, among others.

4. **Gender-Non-Conforming**: A person whose Gender Expression does not conform to social expectations or stereotypes about what is appropriate to their sex as assigned at birth.
5. **Intersex**: Intersex individuals are born with chromosomes, external genitalia, and/or a reproductive system that varies from what does not fit boxes of either males or females. This condition may not become apparent until later in life, such as during puberty. Intersex individuals may identify as male, female or nonbinary.
6. **Legal Name**: Name that identifies a person for legal, administrative and other official purposes.
7. **Nonbinary (Individual)**: Nonbinary is an umbrella term for people with gender identities that fall somewhere outside of the gender binary (e.g. man or woman). People with nonbinary gender identities may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, two spirit, bigender, pangender, Gender-Non-Conforming, among others.
8. **Preferred Name**: Name that a transgender individual uses, which may or may not be the individual's legal name.
9. **Pronouns**: A gendered word that refers to people that you are talking about or to, which includes the gendered pronouns of he/him/his, she/her/hers, they/them/their, among others. Where the word "Pronouns" is used in this policy, this also refers to an officer's use of the gendered sir or m'am, as well as Mr., Ms., or Mx., among others.
10. **Sex**: Refers to biological differences; such as chromosomes, hormonal profiles, and internal or external sex organs. An individual's sex may be labeled as male or female, or intersex.
11. **Sexual Orientation**: A person's romantic and/or physical attraction to people of a specific gender or genders
12. **Transgender Individual**: A person whose gender identity differs from their sex assigned at birth.

- a. **Transgender Man:** A person was assigned female at birth, but identifies as a male. A transgender man should be addressed using masculine pronouns (i.e. he, him, his), regardless of surgical status.
- b. **Transgender Woman:** A person was assigned male at birth, but identifies as a female. A transgender woman should be addressed using feminine pronouns (i.e. she, her, hers), regardless of surgical status.

NOTE: Individuals may use different Pronouns. Officers should respectfully address each individual or individuals, as requested by the individual, or when addressing a group, follow the policy in Section III.

- 13. **TGN:** An acronym for **T**ransgender, **G**ender-Variant, and/or **N**onbinary person. TGN is utilized for ease of reading this policy and for consistency in communication with the Stow Police Department, which utilizes the TGN acronym in their policies.

c. Name Usage and Forms of Address

All officers should address TGN individuals by the individual's Preferred Name, regardless of whether or not the individual's Preferred Name is their Legal Name. Additionally, TGN individuals should be addressed using the titles and pronouns appropriate to their Gender Identity or what they have requested. If there is any uncertainty as to which pronouns or titles are appropriate, then the officer should respectfully ask the individual. All language and behavior used when addressing a TGN individual during the transaction of police duties must be respectful.

When an Officer is unsure if an individual is TGN, the Officer should respectfully ask the individual for their Pronouns; and proceed accordingly.

If a situation impedes the opportunity to access a person's TGN status use gender neutral terms and/or omit using Sir/ Mr., Ma'am/ Ms. i.e. "You need to step back, please." Or "Folks, please step back." Referring to a person as "It" or other derogatory language is dehumanizing and subject to disciplinary action.

Nothing in this policy prohibits an officer from considering factors such as actual or perceived gender identity in combination with other legitimate factors (i.e., weight, age, height, dress, etc.) when obtaining or providing the description of a suspect, victim or witness.

d. Calls for Service

All calls for service or complaints made by TGN individuals will be investigated in the same manner as all other calls for service or complaints, and in full compliance

with Department Policy and Procedure. Officers shall not fail to respond to a call for service based upon the Gender Identity or Expression of the caller.

When Officers are investigating a crime involving a TGN as a victim, which requires filing a report. Officers should check to see if the crime falls under the definition of a hate crime, under G.L. c 22C sec. 32, and follow Stow Police Policy 2.06 Bias Crimes, which may require additional charges against the suspect. Officers will also ensure that the report reflects Bias under IMC reporting tab Offences-Bias.

e. Stop and Frisk

Standard procedures and practices should be used when conducting searches and seizure (i.e. “Field Stops” and “Frisks”) of TGN individuals. These standard procedures and practices include treating a TGN individual in a manner that is appropriate for the individual’s Gender Expression or Gender Identity.

Officers should not require proof of an individual’s gender and shall not challenge an individual’s Gender Identity. However, if information is needed to complete the legal process under law, then officers are permitted to request an individuals legal gender-marker.

Searches or frisks shall not be used as a means of determining an individual’s gender. Additionally, TGN individuals shall not be subjected to more invasive search or frisk procedures than non-TGN individuals.

VI. Arrest and Detention

Transportation: Whenever possible and practical, a TGN individual should be transported separately from other arrestees. This is to ensure the TGN individual’s privacy, dignity, and safety

Booking:

Normal booking procedures will be followed, according to 3.03 and 3.04 of the Stow Police Policy when booking a TGN individual, including those in protective custody and juveniles held in custody. During the booking process the Booking Officer shall include the individual's Legal Name as the primary name, and log the Preferred Name under the alias tab of IMC.

If the individual does not have identification available, the Booking Officer will use the Legal Name as the primary name for booking purposes, and will also log the Preferred Name under the alias tab of IMC.

All the individual's names will be used when completing a criminal records check, and all known alias's will be entered into IMC under alias. (i.e. if an individual has a multiple criminal records under different names, all names should be documented)

During booking, the Legal Name will be used for documentation only. Preferred Name will continue to be used for conversation.

When documenting "Sex", the options in the IMC records management system are, M for male, F for female, X for non-binary, U for unknown.

If during the booking process a TGN individual requests to use the bathroom, an officer of the same gender, if available, as the TGN individual's gender identity or the gender requested by the TGN individual, if available, should escort the individual to a cell where no other individuals are located.

Searches:

Whenever possible and practical, a search of a TGN individual will be performed by officers of the gender requested by the TGN individual. Two officers of the gender requested by the TGN individual, if possible will be present during the search. If two officers of the requested gender are not available, the search should nonetheless be performed by two available officers or one officer and the dispatcher being present, while being recorded as all bookings are. If the TGN individual does not express a preference regarding the gender of the searching officers, then two officers of the same gender as the TGN individual's gender expression will conduct the search (e.g. when a Transgender Male, does not express a preference, then two male officers will conducted the search). When a Non-Binary individual states they have no preference, Officers are encouraged to ask again for the individuals preference.

Conditions during Holding:

Whenever possible and practical, a TGN person shall be held in an individual cell without other prisoners. The Booking Officer and Shift Officer in Charge (OIC) shall make reasonable efforts to ensure that the TGN is held separately from other prisoners. Instances in which a TGN is in need of medical attention shall be handled in the same manner as any other individual requiring medical attention in accordance with 3.03 and 3.04 of the Stow Police Policy.

Officers should not seize or remove appearance-related items such as clothing and undergarments, wigs, prosthetics, or make-up if those items would not be confiscated from non-TGN individuals, provided those articles and/or items may not be used to escape or cause harm to the prisoner or others or conceal weapons, illegal items, or evidence.

If items are taken or removed, an explanation will be provided to the individual. Any items taken for evidence will be logged as per department policy on seizing evidence 6.02.

If clothing is taken, replacement clothing will be provided (i.e. prisoner jumpsuits from storage).

U and T Visa Certification Policy

POLICY & PROCEDURE NO. 9.02	DATE: ____11/09/21____ –
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 55.1.1 ; 55.2.1 ; 55.2.3a ; 55.2.4b ; 12.1.1	EFFECTIVE DATE: ____11/09/21____ –
	REVISION DATE: _____

A. Historical BACKGROUND:

The Stow Police Department recognizes that a crime victim's cooperation, assistance, and safety are essential to the effective detection, investigation, and prosecution of all criminal offenses. However, certain crime victims who are deemed to be without lawful immigration status and are present in this country without proper inspection by federal authorities may often times be hesitant or reluctant to come forward to report their victimization and fail to cooperate and assist in the legal process against their perpetrator for fear of detention and even possible deportation. Undocumented immigrants, especially women and children, can be particularly vulnerable to criminal activity like human trafficking, domestic violence, sexual assault, stalking, and other crimes due to a variety of factors, including but not limited to: language barriers, separation from family and friends, lack of understanding of U.S. laws, fear of deportation, and cultural differences.

As a result, in 2000, Congress created the U and T Visa Programs within the **Victims of Trafficking and Violence Protection Act (VTVPA)**. The purpose of this program is to encourage immigrant crime victims to come forward and report criminal activity to law enforcement agencies thereby strengthening the ability of both local and state law enforcement agencies to investigate and prosecute serious crimes. At the same time, this U and T visa program offers much needed protections to these victims of such crimes without the immediate risk of being removed from the country and without having any fear of detention and/or deportation by federal law enforcement officials. In addition, this program has the added advantage of strengthening relationships between the Stow Police Department and the community that we serve. [55.2.3a](#)

B. Policy:

Pursuant to M.G.L. Chapter 258F Sections 1-4, it shall be the Policy of the Stow Police Department to assist immigrant victims of crime with their U or T Visa applications when requested and when they are found to be cooperating with the detection, investigation, or prosecution of criminal activity and to respond to such requests for nonimmigrant status certifications forms within ninety (90) days. [55.1.3](#)

C. Statute: M.G.L. Chapter 258F §§ 1-4 – Certification for Victims of Violent Crime and Human Trafficking

1. A certifying entity shall adopt a policy for completing and signing nonimmigrant status certification forms for: (i) victims of criminal activity who intend to petition for nonimmigrant visas under 8 U.S.C.

1101(a)(15)(U); and (ii) victims of severe forms of trafficking in persons who intend to petition for nonimmigrant visas under 8 U.S.C. 1101(a)(15)(T). See M.G.L. Chapter 258F Section 2.

2. A **certifying entity shall respond** to a ***nonimmigrant status certification request*** from a victim of criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. 1101(a)(15)(T) ***not later than ninety (90) days after receiving the request for certification***. See M.G.L. Chapter 258F Section 3.
3. The **certifying entity shall respond** to the request by either:
 - (i) completing and signing the certification forms; or
 - (ii) issuing a written denial of the request, without prejudice, informing the victim of the reason that the request does not meet the requirements of the certifying entity's policy under section 2; or
 - (iii) in extenuating circumstances outside the control of the certifying entity that prevent the certifying entity from responding to the certification request in the required time period, issuing a written explanation of the delay, the process the certifying entity will undertake to respond and a projected time frame for such response. See M.G.L. Chapter 258F Section 3.
4. Annually, ***not later than February 1***, each **certifying entity shall report** to the executive office of public safety and security:
 - a. the number of individuals that requested nonimmigrant status certification;
 - b. (ii) the number of certification forms that were completed and signed; and
 - (iii) the number of such requests that were denied.

Note: The information reported under this subsection shall not include any personal identifying information of an individual requesting nonimmigrant status certification. See M.G.L. Chapter 258F Section 4(a).

5. Annually, not later than April 1, the executive office of public safety and security shall file a report with the clerks of the senate and house of representatives, the joint committee on the judiciary and the joint committee on public safety and homeland security on the information received under subsection (a).
6. The report from EOPSS shall include, but not be limited to:
 - (i) the number of individuals that requested nonimmigrant status certification, delineated by certifying entity;

(ii) the number of certification forms that were completed and signed, delineated by certifying entity;

(iii) the number of such requests that were denied, delineated by certifying entity; and

(iv) **total statewide statistics on nonimmigrant status certifications and denials.**

7. The report shall not include information that would allow the public to ascertain the identity of an individual requesting nonimmigrant status certification. The executive office shall also make the report publicly available on its website.

See M.G.L. Chapter 258F Section 4(b).

D. **Definitions:**

- **Certifying entity:** A law enforcement agency, prosecutor or other state or local entity that has the authority to detect, investigate or prosecute severe forms of trafficking in persons or criminal activity. See M.G.L. Chapter 258F Section 1.
- **Criminal Activity:** as described in 8 U.S.C. 1101(a)(15)(U)(iii). See M.G.L. Chapter 258F Section 1.
- **Severe forms of trafficking in persons:** as defined in 22 U.S.C. 7102. See M.G.L. Chapter 258F Section 1.
- **U Visa:** A Visa issued by the **United States Citizenship and Immigration Service** (USCIS) conferring legal status for up to **four (4) years** to an immigrant victim who meets the following statutory requirements:

<p>They have suffered substantial physical and/or mental abuse as a result of having been a victim of a listed criminal activity;</p> <p>They possess information concerning such criminal activity;</p> <p>They have been helpful, are being helpful, or are likely to be helpful in the investigation or prosecution of stated crime; and</p> <p>They have been the victim of criminal activity that occurred in the United States or have knowledge of some violation of the laws of the United States</p>

Note: To be eligible for a U Visa, the applicant must submit an application packet that includes a certification from a certifying official (i.e., Police Chief, Prosecutor, DCF Official) or agency that they have been, are being, or are likely to be helpful in the detection, investigation, or prosecution of a qualifying criminal activity.

- **U Visa Certification Form:** A sworn statement ([USCIS Form I-918](#), Supplement B) that affirms the immigrant victim's past, present, or future helpfulness in the detection, investigation, and/or prosecution of certain qualifying criminal activity.
- **T Visa:** A Visa issued by the **United States Citizenship and Immigration Service** (USCIS) conferring legal status for up to **four (4) years** to an immigrant victim who meets the following statutory requirements:

Are or were a victim of a severe form of human trafficking;
 Are in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking;
 Comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (unless you are under the age of 18 or you are unable to cooperate due to physical or psychological trauma. In either case, you may not need to show that you complied with reasonable requests from law enforcement)

Note: To be eligible for a T Visa, the certification from a certifying official (i.e., Police Chief, Prosecutor, DCF Official) or agency that they complied with reasonable requests for cooperation is helpful evidence for the application.

- **T Visa Certification Form (Declaration of Law Enforcement Officer for Victim of Trafficking in Persons):** A sworn statement (USCIS Form I-914, Supplement B) that affirms the immigrant victim's compliance with reasonable requests for assistance from law enforcement.
- **Designated Certifying Officials:** A law enforcement official who is authorized to issue a U or T Visa certification that verifies an immigrant victim's past, present, or future helpfulness in the detection, investigation, or prosecution of certain qualifying crimes. The Chief of Police of the Stow Police Department shall be the certifying official for the Stow Police Certification Form
- **Qualifying Criminal Activity for U Visas:** U Visa qualifying criminal activity includes, but is not limited to: rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, solicitation to commit any of the above mentioned crimes, **or any similar activity** in violation of federal, state, or local criminal law. The attempt or conspiracy to commit any of the above crimes also qualifies.

Note: "**Any similar activity**": accounts for the wide variety of state and federal criminal laws that may have names different from the criminal activity listed above but are comparable in nature and elements to the aforementioned criminal activity.

V. How do U and T Visas actually work?

U and T Visas allow the victims of serious crimes who are helpful to police to temporarily stay in the United States for up to four (4) years. U Visas are approved and granted by U.S. Citizenship and Immigration Services (USCIS), which is a component of DHS. U and T Visas provide recipients with nonimmigrant status that comes with certain benefits, including the ability to work in the United States.

If certain conditions are met, U or T Visa holders can apply for lawful permanent resident status (i.e., seek a green card), which can provide a pathway to citizenship. When Congress created the U-Visa program, it explained that the **purpose of U and T Visas was primarily twofold**:

- (1) to provide **humanitarian relief to immigrant crime victims**, and
- (2) to **provide a mechanism that encourages immigrants to come forward** and report crimes to local police to improve public safety.

The U Visa is especially important for immigrant victims of **domestic violence**, sexual assault, and human trafficking, who comprise roughly 75 percent of U Visa holders. **This is because abusers often use the threat of deportation as a tool to control victims; for example, abusers often tell their victims that they will contact federal immigration authorities if the victim calls the police to report the abuse.** In fact, research shows that more than a quarter of U Visa applicants were reported to immigration authorities by their abusers at some point during their abuse. **Knowing that a U Visa can provide safety and protection allows many domestic violence and sexual assault victims to feel more comfortable seeking help and following through with legal action against their abusers.**

- VI. Similarly, T visas are important for immigrant victims because human traffickers often take advantage of those who are vulnerable. Immigrants, particularly those without status, may be susceptible to human trafficking for a variety of reasons including the lack a social safety net, language barriers, less knowledge of U.S. laws and their legal rights, as well as fear of deportation. Due to these vulnerabilities, Congress created the T Visa to protect immigrant victims and strengthen the relationship between law enforcement and immigrant communities. **Why are U and T Visas Important to the Stow Police Department:**

When an immigrant applies for a U or T Visa, local **police have a limited role** in the process: they **certify** to federal authorities whether the applicant was in fact a victim of such a crime and was helpful to the police. Crime victims who wish to obtain a U or T Visa are responsible for submitting their own applications and putting together documentary evidence for USCIS. Victims usually do this with assistance from an immigration attorney – although that is not required. One part of the application process for a U Visa requires so-called outside **certification**. An applicant must obtain **verification from a law enforcement** agency, stating that the applicant was a **victim of a qualifying crime** and that the **victim was helpful to the police**. Signing a U or T certification does not confer any immigration benefit to the victim. Nor is a signed certification a guarantee that USCIS will approve their application. There are many other requirements that USCIS will evaluate to determine if the victim qualifies for a U or T visa.

For a U Visa, this certification is documented in an **USCIS Form I-918, Supplement B** form, which is an attachment that accompanies the U Visa application. The head of a police agency, such as the police chief or sheriff, is automatically designated as a certifying official. As mentioned the Chief of Police shall serve as the designated certifying official for the Stow Police Department. The Police Chief is responsible for completing Part (2) and (6) illustrated below which is **address information and signature with the date**.

For a T Visa, the applicant is not required to obtain the certification form, but it is helpful evidence that the individual has been a victim of a severe form of trafficking and has complied with reasonable requests for assistance from law enforcement. For T Visas, the certification is documented in an **USCIS Form I-914, Supplement B** form, or the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, which would accompany the T Visa application. As with the U Visa, the head of a police agency, such as the police chief or sheriff, is automatically designated as a certifying official. As mentioned the Chief of Police shall serve as the designated certifying official for the Stow Police Department. The Police Chief is responsible for completing Part (B) and the section of Part (F) referring to the Supervisor illustrated below.

Note: Police agencies are not the only organizations that can certify an [USCIS Form I-918, Supplement B](#) or [USCIS Form I-914, Supplement B](#) form. Prosecutors, judges, and government agencies with investigative functions (e.g., DCF) may also make these certifications. In practice, however, applicants most often approach police departments for U or T Visa certification requests. See below.

Part 2. Agency Information

Name of Certifying Agency

Name of Certifying Official

Title and Division/Office of Certifying Official

Name of Head of Certifying Agency

Agency Address - Street Number and Name

Suite No.

City

State/Province

Zip/Postal Code

Daytime Phone No. (with area code and/or extension)

Fax No. (with area code)

Agency Type

☐ Federal

☐ State

☐ Local

Case Status

☐ On-going

☐ Completed

☐ Other:

Certifying Agency Category

☐ Judge

☐ Law Enforcement

☐ Prosecutor

☐ Other:

Case Number

FBI No. or SID No. (if applicable)



G. **Summary:**

Step	Police Action Taken
1	When an investigator encounters an immigrant victim of a crime who has filed a police report and it is determined that they are willing to assist - or have assisted or cooperated - with the detection, investigation, or prosecution of qualifying criminal activity or human trafficking, the investigator should inform the immigrant victim of the U-Visa or T-Visa application process. 55.1.3
2	<p>The U or T Visa certification may be issued at any time after detecting a qualifying criminal activity and the investigator has determined that the victim is being or will be helpful in the investigation. 55.2.1 There is no statute of limitations as to when a U or T Visa certification may be issued.</p> <p><i>Note: The investigation need not be complete prior to issuing the certification. The law was designed to assist victims at very early stages of crime detection and investigation. The Chief of Police is authorized to complete the certification.</i></p>
3	<p>The U Visa Certification Form (USCIS Form I-918, Supplement B) or T Visa Certification Form (USCIS Form I-914, Supplement B) needs to be completed and signed by the investigator and approved by his immediate supervisor.</p> <p>It should provide specific details about the nature of the crime being detected, investigated, or prosecuted. 55.2.3a</p> <p>It should also describe the victim's helpfulness in the case. 55.2.4b</p> <p>When the Chief signs the USCIS Form I-918, Supplement B or the USCIS I-914, Supplement B, this does not confer any immigration status upon the victim, but rather enables the victim to meet one of the eligibility requirements on the victim's application to USCIS.</p>
4	<p>The investigator should work with a Victim Witness Advocate and/or the District Attorney's Office if available in helping the victim with the U Visa application (USCIS Form I-918 Petition for U Nonimmigrant Status") and assisting in securing legal representation.</p> <p>The U Visa Certification Form (USCIS Form I-918, Supplement B) or T Visa Certification Form (USCIS Form I-914, Supplement B) which has been completed and signed by a certifying official should be given to the victim.</p> <p>A U Visa Certification is required to complete the U Visa application process. The Victim will then submit the completed application packet and supporting documents to the Victims and Human Trafficking Unit of USCIS, located in Vermont. A T Visa Certification Form is helpful evidence for the application process. The Victim will submit the completed application packet</p>

	and supporting documents to the victims and Human Trafficking Unit of USCIS, located in Vermont.
5	A Victim who received a certification and was granted a U Visa or T Visa has an ongoing obligation to provide assistance. Certifying officials may notify USCIS directly for cases in which victims are no longer helpful. However, such notification is appropriate only when the victim's lack of cooperation is not reasonable. 55.2.4b In addition, in some cases the USCIS will contact a certifying official, or require a re-certification, to confirm that the victim remains, or remained, cooperative throughout the detection, investigation or prosecution of a crime.

Reporting Abuse, Excessive Force, or Misconduct by Law Enforcement Personnel

POLICY & PROCEDURE NO. 9.03	ISSUE DATE: __11/11/2021__
MASSACHUSETTS POLICE ACCREDITATION STANDARDS	EFFECTIVE DATE: __11/09/2021__
REFERENCED: <u>Statutory: AN ACT RELATIVE TO JUSTICE, EQUITY AND ACCOUNTABILITY IN LAW ENFORCEMENT IN THE COMMONWEALTH;</u> <u>IACP Model Policy: Retaliatory Conduct (June 2020)</u>	REVISION DATE: __11/11/2021__

1. PURPOSE

Pursuant to **550 CMR 6.07; M.G.L c. 6E §15 (c)**, all "[l]aw enforcement agencies **shall develop and implement a policy and procedure** for law enforcement personnel, including but not limited to law enforcement officers, to **report abuse by other law enforcement personnel**, including but not limited to law enforcement officers, **without fear of retaliation or actual retaliation.**" .

In the interest of maintaining a harmonious workplace environment, it shall be both the purpose and intention of this policy to complement the high level of departmental integrity, transparency and accountability that exists. Further, such policy shall serve to continue to avoid any potential hostile or harassing treatment of fellow employees/officers by requiring the mandatory reporting of all serious infractions of departmental policy, procedure, or rules as well as the violation of any local, state or federal laws allegedly committed by any law enforcement officer and by prohibiting any type of retaliatory conduct or action against any employees who make such reports pertaining to allegations of misconduct or illegal activity.

a. POLICY

The Stow Police Department strictly prohibits any type of retaliatory conduct against or interference with any employee who either reports, assists, or seeks to report breaches of department policy, procedures, or rules and/or violations of local, state or federal law allegedly committed by a law enforcement officer. In addition, such employees who report abuse, misconduct, excessive force, or violations of the law, allegedly committed by other law enforcement personnel, shall do so without fear of retaliation or actual retaliation.

A. DEFINITIONS

Affirmative Duty: The personal responsibility and obligation of an employee to report wrongdoing or prohibited conduct — rather than to provide such information only when requested to do so.

False Report: A report that is not made in good faith and is based on information that is known or reasonably likely to be inaccurate; intentionally or negligently ignores exculpatory or mitigating information; or is made with the purpose of harassing or wrongly incriminating another employee.

Good Faith Report: A report that provides allegations concerning an employee who is reasonably believed to have purposely committed a serious violation of departmental policy, procedures, rules, or laws.

Public Disclosures: Statements made to the media or information entered in any forum that is available to the public—such as social media websites—that provides information that is critical of this department, its personnel, or both.

Retaliatory Conduct: Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee.

1. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could seriously impair the efficiency, safety, or effectiveness of that employee, this department, or both.
2. Such conduct may take many forms, including but not limited to bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.

Serious Acts of Misconduct: A deliberate act or failure to act that could reasonably form the basis for significant disciplinary action against an employee. Such disciplinary action is usually in the form of suspension, reduction in rank, reassignment/transfer, termination or other separation from employment.

a. DUTY TO: INTERVENE / REPORT / WRITTEN REPORT

- (a) An officer present and observing another officer using or attempting to use physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the

circumstances, **shall intervene** to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank of the officer so observed, unless intervening would result in imminent harm to the officer or another identifiable individual.

(b) An officer who observes another officer using physical force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances **shall report the incident to an appropriate supervisor** as soon as reasonably possible but not later than the end of the officer's shift. The officer **shall prepare a detailed written statement describing the incident** consistent with uniform protocols. The officer's written statement shall be included in the supervisor's report.

(c) A law enforcement agency shall develop and implement a policy and procedure for law enforcement personnel to report abuse by other law enforcement personnel without fear of retaliation or actual retaliation.

(d) The failure of a law enforcement officer to intervene as set forth herein may subject the officer to de-certification by the Commission.

1. PROCEDURES

A. Duty to Report Misconduct:

1. All employees of this department have an affirmative duty to report all serious acts of misconduct both verbally to a Supervisor and in writing. Failure to report shall result in corrective or disciplinary action.
2. Serious acts of misconduct should be reported to the complaining employee's immediate supervisor. If the supervisor is suspected of involvement in the misconduct, the report should be made to the next higher-ranking employee in the department's chain of command.
3. In situations involving highly egregious offenses or illegality that may have serious or broader implications, a complaint may be made directly to the Town Administrator. Examples include, but are not limited to, broad-based corruption, conspiracy among employees, or offenses involving or including high-ranking officers or members of government.
4. All employees have an affirmative duty to cooperate fully during the investigation of any allegation of employee misconduct whether conducted by this department or another authorized authority.

C. Public Disclosures and Legal Remedies:

1. This policy does not limit an employee's right to make public disclosures that are deemed to be of public concern and are thus protected by the First Amendment. Please remember that protection of speech regarding employment has certain limitations, so employees are encouraged to consult with the Town Administrator/Assistant Town Administrator and/or the Chief of Police on work-related speech and dissemination of information prior to making such public disclosures.

2. This policy in no way limits the right of employees to file complaints or grievances, both within or outside governmental authorities or to initiate appropriate legal action. Individuals taking such actions are afforded the same protections against retaliatory conduct as other employees.

D. Prevention of Misconduct:

1. Prevention of serious employee misconduct and promotion of a principled and effective work environment free of harassment and hostility requires that all employees abide by this policy.

2. First-line supervisors bear an important responsibility to ensure that all employees under their supervision fully understand the importance of adherence to all departmental policies, procedures, and rules and that they understand the department's commitment to ensuring employee compliance with the provisions of Chapter 253 of the Acts of 2020 (e.g., Police Reform Legislation). First-line supervisors shall also monitor their officers and provide any support to those who are directly impacted by any such potential retaliatory conduct.

3. The Lieutenant and Sergeants shall ensure that employees are thoroughly familiar with the provisions of this policy by ensuring timely discussions at Shift Roll Call Briefings as well as during Annual In-Service Training.

Commendation

POLICY & PROCEDURE NO. 9.04	DATE: ____11/23/2021____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:	EFFECTIVE DATE: ____11/23/2021____
	REVISION DATE: ____Last 11/23/2021____

POLICY

As essential as it is for a police department to have an effective internal disciplinary process, it is equally important to have a positive program of awarding commendations for outstanding duty performance. This is the means by which deserving officers/dispatchers or civilian employees can receive official recognition for their accomplishments.

- A. Any meritorious act or action performed by an officer/dispatcher or civilian employee which is considered to be above and beyond the performance of routine duty, shall be reported in writing to the Chief of Police by any Officer/Dispatcher concerned, with their recommendation for commendation. A meritorious act or action may be reported to the department and forwarded to the Chief by a citizen.
- B. The following categories of acts or actions will be considered for commendation:
 - 1. The personal display of extraordinary courage and valor in the performance of police duty.
 - 2. The exemplary performance of meritorious police service to the community.
 - 3. The performance of outstanding and exceptional service to the Stow Police Department.
- C. **LETTER OF COMMENDATION:** The basic award of the department is a Letter of Commendation, written on a standard Stow Police Department letterhead, signed by the Chief of Police and outlining the reasons for the award.
- D. **RIBBON OF COMMENDATION:** A "Ribbon of Commendation" is awarded for superlative and distinguished performance of police duty. Each recipient of a "Ribbon of Commendation" shall receive a ribbon insignia to be displayed on their uniform denoting their award. A "Letter of Commendation" accompanies a "Ribbon of Commendation" and sets forth the circumstances and the basis for the award. A "Ribbon of Commendation" can be issued for "Service to the Department", "Service to the Community", and "Valor".

- E. **MEDAL OF COMMENDATION:** Is an award given to those individuals who perform exceptional acts or actions above the normal call of duty. A recipient of a "Medal of Commendation" will be awarded a commemorative medal for their distinguished service. They will also receive a ribbon insignia for display on their uniform representing their medal award and a "Letter of Commendation" detailing the circumstances of the award. A "Medal of Commendation" can be awarded for "Service to the Department", Service to the Community", or "Valor".
- a. **MEDAL OF HONOR:** The "Medal of Honor" is the highest award given by this department. It is bestowed upon an employee who sacrifices his or her life in the protection of the lives of others. This award is presented posthumously to the surviving family of the fallen officer.
- G. All official commendations will be noted on the police log, posted on the department bulletin board and a copy placed in the commended officer's/dispatcher's personnel file.
- H. **CITIZEN COMMENDATION:** When appropriate, signed by the Chief of Police, may be awarded to a citizen who has performed a commendable and laudable act or action which has been of aid and assistance to the Stow Police Department or to an officer in the performance of police duty.

WELLNESS PROGRAM

STOW POLICE DEPARTMENT POLICY & PROCEDURE NO. 9.05	ISSUE DATE: 1/24/2023
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:	EFFECTIVE DATE: 1/24/2023
	REVISION DATE: _____10/10/23_____

1. Policy Purpose

The Stow Department's Wellness Program is a collaborative effort between the department administration and its fellow employees, this includes full-time, part-time, dispatchers. The Stow Police Department recognizes the importance of the well-being of our officers due to the severe strains police work can have on both physical and mental health. This program was designed to promote healthier lifestyles and allow for increased physical fitness for all department personnel. Advantages achieved by such a program include a healthier workforce, both mentally and physically, a physically competent workforce, improved employee morale and the potential to reduce health care costs. This program also was designed to mitigate the critical impact that stress related work conditions can have on police officers and dispatchers. These negative results of work-related stress have been well documented through years of scientific research. It is also designed to reduce sickness, injury and a participant's sick time usage.

2. Policy Statement

The Stow Police Department recognizes the physical and emotional demands placed upon police officers in the performance of his or her duties. It is the policy of the Department to pursue proactive measures which assist officers in maintaining healthy lifestyles. It is widely recommended that individuals exercise on most, if not all, days of the week. In order to assist in promoting a beneficial exercise program to suit individual health and needs, the Stow Police Department allows for a voluntary exercise workout program for its members. The program is designed to allow officers, when proper coverage exists, up to 60 minutes of cardiovascular workout or strength training time in an eight hour shift. This time includes showering and changing time.

3. Wellness Officer

A Wellness Officer will be appointed by the Chief of Police from volunteers of any rank who express an interest and approach the Chief. The goal of the Wellness Officer is to promote healthy lifestyles through education on matters such as diet, sleep habits, and fitness to act as a liaison to those who need help with the aforementioned areas as well as substance abuse and mental health. The Wellness Officer will update the Chief on new programs and opportunities for the department's participation in activities including but not limited to; hiking, road races, yoga, and other competitive activities where members can participate together, outside of work hours. The Department and the Wellness Officer will also work together to help maintain the gym equipment and update items as needed and as funds allow. The appointment of a Wellness Officer does not infer any rank, privileges or added compensation beyond what is agreed for in the CBA between the Town of Stow and local unions. The Wellness Officer will report any injuries, health concerns, substance abuse, or mental health concerns to the Chief. This initial reporting will be to provide services to those officers who need help, also ensuring that the Town, Officers and Dispatchers 111f, FLSA and FLMA rights are adhered to.

4. Procedures

- A. **Time Allotment:** Up to sixty 60 minutes of workout time may be allotted per eight-hour shift. This allotment includes the time necessary for changing, showering, and returning to duty. Any officers who work less than an eight-hour shift will not be eligible to exercise for that shift. No work out time will be allowed at the beginning or the end of shift.
- B. **Location:** All workouts must take place inside the Stow Police Fitness Facility.
- C. **Participation and Control :**

The Stow Police Department's Wellness Program is a voluntary program in which the Chief of Police has complete control. The Chief of Police may, at their discretion, remove personnel from the program for any non-discriminatory reason, modify the program, or eliminate the program for any reason at any time. Any such change, removal, modification, or elimination is not subject to appeal or grievance.

All participants will sign and submit the following to the Chief of Police or their designee prior to participating in the program. This waiver must be signed once per calendar year.

Waiver of Liability Form

It should be noted that the Waiver of Liability form addresses civil liability claims and anyone injured while participating in this program. By signing this waiver, the employee waives their 111f benefit while exercising on duty. It is also agreed that the employee would not be eligible for 111f benefits, if injured while working out, due to exercising on duty not being considered "performance of duty". However, any employee eligible for the "Heart Bill" would still receive this benefit under MGL c 32 s 94.

These forms will be placed in the employees medical file by the Chief. Supervisors must ensure that when allowing an employee to exercise on duty that they have already signed the waiver.

All officers and dispatchers participating in the program must recognize that participation is a privilege, not a right. A member's privilege to participate may be revoked by the Chief of Police or his/her designee due to sick time issues, if the officer is having other job performance related issues, or for other reasons deemed appropriate by the Chief of Police. Any officer found to be abusing the privilege, or otherwise not abiding by the policy, will have his or her right to participate suspended or revoked. The suspension or revocation of the privilege to participate will not be subject to appeal or any grievance procedure by any member.

- D. **Requesting Workout Time:** All requests for workout time should be made with the direct Sergeant of the shift. If no Sergeant is on, the Senior Officer will decide if work load will allow workout activity. The Sergeant or Senior Officer may deny workout time if staffing or other shift activity does not allow for it. It is understood that every effort will be made to accommodate officers and dispatchers; however, the efficient operation of the Department always takes precedent. Therefore, on any shift that only one officer is on duty, no workout time will be granted for personnel.
- E. **Participant Responsibilities:** It is the responsibility of the officer, prior to taking workout time, to notify the dispatch center, Sergeant or Senior Officer. Officers and dispatchers will ensure that the dispatch center knows they are "out of service" during that period of time. At the conclusion of the workout, officers and dispatchers will notify all of the above that they have completed their workouts and are ready to resume duty. Officers and dispatchers maybe recalled to handle calls for service or other essential job functions and their workout may be cancelled at any time during their workout.

Any and all injuries sustained during the program will be immediately reported to the Officer in Charge.

All participants are expected to abide by this policy; a failure to do so may result in the Chief of Police or her designee suspending or revoking an officer's privilege to participate.

Equipment is not to be removed from the exercise room without permission. Users are responsible for cleaning equipment they use with the provided disinfectant, and for replacing all equipment to appropriate areas of the exercise room.

Shoes are required to be worn at all times while in the exercise room, and no personal property (i.e. weight lifting belts, gloves, head phones, etc.) will be stored in the room for future use without permission. A stereo will be permitted but cannot be played at a level that would drown out the ability to hear your department radio, which will be required to be in the room with you.

All equipment will be used in a manner that adheres to the equipment specifications and design.

Any broken or unsafe equipment should be reported to the Wellness Officer.

- F. **Type of Exercise:** Exercise under this program may include, but is not limited to, cardiovascular activities and weightlifting. Employees must always use due care and diligence when choosing and performing their workout activities. No heavy weights should ever be utilized without the presence

of a spotter. Safety is paramount at all times. Employees may seek the assistance of the Wellness Officer to help develop an exercise plan that best meets the needs of that individual officer.

G. **Program Evaluation:** The Stow Police Department's Wellness Program will be evaluated by the Chief of Police or their designee as well as the Wellness Officer on an ongoing basis. The evaluation shall consist of sick-time usage reports, levels of participation, and general guideline adherence. The evaluation shall also include feedback from personnel, including positive ways to impact the program. The final determination of any modification to the program resides with the Chief of Police.

H. **General Rules:** Members of SPD who participate in the Wellness Program must abide by the following rules. Failure to do so may result in that individual officer's removal from the fitness program or the removal of the entire program.

- Employees must actually be exercising while participating in the program. Failing to exercise during the 60 minutes is unacceptable and no replacement activity or break will be allowed in its place.
- Employees must wear appropriate workout attire and are not allowed to exercise in uniform.
- When a detainee is in the cellblock, Employees may not engage in this program.
- Employees must have their portable radios with them during exercise time and must be attentive to shift activity. If activity increases significantly, the Employees should stop working out and return to service on their own initiative or at the direction of their supervisor.
- Officers are expected to work with dispatchers and answer the phones so dispatchers can have time to benefit from the Wellness Program
- This program is at the discretion of the Chief of Police. It may be removed at any time.

5. Abuses

The Stow Police Administration, Supervisors, Patrol Officers, Dispatchers and all other employees agree to monitor for abuses of this privilege and take appropriate corrective action. If the corrective steps are taken and the abuse continues the matter will be referred to the Police Administration to handle.

6. Check up from Neck Up, Wellness Days

The department will be offering an opportunity to earn up to one (1) wellness day, offered in two four hour blocks per fiscal year (July 1 – June 30) by volunteering to receive a mental health checkup, one or two times during the year. For each mental health check up with a licensed professional of your choosing, you will receive a wellness comp time to be used under the same guidelines as our vacation/comp days and to be considered as awarded comp time not earned comp for compensating the

total time. We will only require that you provide documentation from the qualified professional that you were seen and attended a full session (approx. 45-60 mins). If your healthcare provider only allows tele-health, that will be allowed, but in-person is preferred. There is no restriction on the time frame for your two sessions other than it being within the fiscal year. These days will not be allowed to be carried over into another fiscal year and cannot be cashed out.

Documentation will need to be provided to the Chief of Police, that a visit was made, a note from the clinician stating the employee attended.

We want to continue to reduce the stigma for police officers and their mental health by opening the door to this type of program. Each sworn member of the department may, on their own seek a therapist with the following criteria:

Qualifications of a licensed clinician: Licensed Psychologist (LP), Licensed Mental Health Clinician (LMHC), Licensed Independent Clinical Social Worker (LICSW), Psychiatrist, Psychiatric Nurse Practitioner.

Benefits of 1 – 2 yearly wellness checks: “A wellness visit with a licensed clinician offers an officer and dispatcher an opportunity to review health coping strategies, review current stressors, and find ways to implement preventative behavioral medicine in order to subvert any potential for future mental health problems. In other words, by attending a wellness check, an officer has an opportunity to truly determine their current mental health status, predict future obstacles, and to learn new tools (i.e., coping strategies) for their emotional tool box. 1 – 2 visits a year are enough for a licensed clinician to give a check-in with an officer, and make good long-term recommendations for continued success and prevention of the development of psychopathology (i.e., mental illness).” - Laurence M. Kelly Jr., PsyD

Confidentiality: “Any licensed clinician (LMHC, LICSW, psychologist, psychiatrist, or psychiatric NP) is bound to provide confidentiality. What is confidentiality? Confidentiality means that no matter what is shared with the therapist, unless it pertains to safety (i.e., suicidality, homicidality) or child abuse/elder abuse. In other words, no matter what you say to your therapist, no one can ever get that information from the therapist without a court order.” - Laurence M. Kelly Jr., PsyD

We will be rolling out this program as a pilot and will evaluate it as it goes to see what changes and/or recommendations are needed.

This is the link to our confidential Employee Assistance Program (EAP) - <https://myassistanceprogram.com/miia-eap/>

7. Attachments

The following attachments are required per this policy:

A. Waiver of Liability Form

Eliminating the Purchase by the Stow Police Department of Single-Use Plastic Bottles

POLICY & PROCEDURE NO. 9.06	DATE: ____11/28/2023____
	EFFECTIVE DATE: ____11/28/2023____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:	REVISION DATE: ____

Summary

In response to Executive Governors Order 619, Stow Police note and recognize that climate change is adversely affecting the people of Stow, Massachusetts and poses a threat to public health, the well-being of our communities and families; combustion of fossil fuels is a primary cause of greenhouse gas emissions that cause climate change; the production of plastic bottles relies on fossil fuels, and most plastic bottles are made from petroleum-based polyethylene terephthalate in refineries that run on fossil fuels; plastic pollution has resulted in harm to communities in Massachusetts; plastic pollution harms wildlife across Massachusetts, including in our ocean ecosystems; purchasing single-use plastic bottles instead of utilizing less harmful alternatives is inconsistent with the Healey-Driscoll administration's climate policy and Executive Governors Order 619;

Definitions

"Single-Use plastic bottle" As used in this policy, refers to a beverage in a sealed rigid plastic bottle having a capacity of 21 fluid ounces or less.

Policy

- 1) Effective immediately, the Stow Police Department shall limit purchasing single-use plastic bottles in favor of less harmful alternatives.
- 2) Stow Police Department shall take all appropriate steps to limit the purchase, use, or sale of single-use plastic bottles to only those circumstances:
 - (i) when no alternative is available or practicable;

- (ii) when necessary to protect health, safety, and welfare;
 - (iii) when compliance with this policy would conflict with contract requirements or labor agreements in existence
 - (iv) to prepare for or respond to an emergency.
 - (v) Stow police shall provide for disability or accessibility related accommodations in its planning efforts
- 3) Stow Police may purchase reusable fillable water bottles for Stow Police employees and encourage the use thereof.
- 4) Nothing in this policy prevents individual employees from purchasing their own individual water bottles that is under 21 fluid ounces.

Automated License Plate Readers (ALPRs)

POLICY & PROCEDURE NO. 9.07	DATE: _March 26, 2024
	EFFECTIVE DATE: ____March 26, 2024____
	REVISION DATE: _March 26, 2024____
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:	

PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

POLICY

The availability and use of the ALPR System provides opportunities for the enhancement of law enforcement agencies' productivity, effectiveness, and protection of public and officer safety. The Stow Police Department shall only utilize this technology in furtherance of official and legitimate law enforcement operations and public safety. All Department Employees shall abide by the guidelines set forth herein when using the ALPR System.

DEFINITIONS AND ACRONYMS

Automatic License Plate Recognition (ALPR): Automatic license plate recognition technology uses high-speed cameras combined with sophisticated computer algorithms capable of converting the images of license plates and vehicles to electronically readable data. The ALPR System captures an image of a license plate and converts it to a text file using Optical Character Recognition (OCR) technology. The technology also compares the digital images of license plates to the CJIS-NCIC Hot file database. The ALPR System is configured as either fixed, mobile or portable.

Alert: A visual and/or auditory notice that is triggered when the ALPR System receives a potential hit on a license plate.

Alert Data: Information captured by an ALPR relating to a license plate that matches the license plate on a hot list.

ALPR Data: Scan files, alert data, and any other documents or data generated by, or obtained through, utilization of the ALPR System.

ALPR Data Query Logs: A record of a search or query of ALPR data.

Hit: An alert that a license plate matches a record maintained in the ALPR database related to stolen vehicles, wanted vehicles, or other alert type files that support investigation or which have been manually registered by a user for further investigation.

Hot List: License plate numbers of vehicles of interest, such as stolen vehicles, unregistered vehicles, vehicles owned by persons of interest, and vehicles associated with AMBER Alerts, Missing Child Alerts, Missing College Student Bulletins, Silver Alerts, Be On Look Out (BOLO), Attempt To Locate (ATL), and Wanted or Missing Person broadcasts or bulletins in which a license plate number is included, or other license plate numbers of interest entered by the Department or an authorized officer.

Optical Character Recognition (OCR): The technology that supports the automated reading and digitizing of images of license plates that are captured by the ALPR System.

ADMINISTRATION AND OVERSIGHT

The Lieutenant, under the authority and supervision of the Chief of Police shall be designated as the ALPR Administrator. The Chief of Police shall ensure the ALPR Administrator has oversight for the ALPR System deployment, operations, and maintenance.

The ALPR Administrator shall be responsible for the following:

1. Ensuring the proper selection of the personnel approved to operate the ALPR System and maintaining an adequate number of trained and authorized users.
2. Authorizing any requests for ALPR System use or data access according to Department policy
3. Ensuring that designated, trained personnel check equipment on a regular basis to ensure functionality, camera alignment, and removing from service any equipment that falls outside expected functionality until deficiencies are corrected.
4. Designating users who have been properly trained in the use and operational protocols of the ALPR system
5. Allowing access to the ALPR System for those users with an approved login and password.
6. Ensuring that any changes in hardware, software, policy, or law are the subject of continuing in-service training or bulletins.

PROCEDURES AND USE

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates.

It is used by the Stow Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, and missing persons. It may also be used to gather information related to active Felony Warrants, homeland security, and past criminal activity associated with reasonable suspicion or probable cause. Emergency uses, such as active crimes also permit the use.

The Stow Police LPR will be set up NOT to alert officers on immigration warrants and will not be used to enforce immigration-related offenses.

The use of ALPR technology shall be approved by the Chief of Police or designee.
ALPR System and information shall be:

1. Accessed and used only for official and legitimate law enforcement purposes;
2. Used for searches of historical ALPR data, in accordance with this policy and other Department policies or regulations where applicable; and
3. Used for searches of ALPR data by members of this Department
4. Queries made through the ALPR System shall be conducted by authorized Stow Police Department users only.
5. The list of authorized users shall be maintained and updated, as required, by the ALPR Administrator.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Stow Police Department. The Chief of Police or their designee will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose

1. An ALPR shall only be used for official law enforcement business.
2. An ALPR may be used in conjunction with criminal investigation. Reasonable suspicion or probable cause is required before using an ALPR, and must have a case number assigned.
3. Emergency use such as missing person, silver alert, amber alert are permitted and still must be documented.
4. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
5. No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
6. Officer should verify an ALPR response through the DCJIS before taking enforcement action that is based solely on an ALPR alert.

ALPR ALERTS/HITS

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Stow Police Department to convert data associated with vehicle license plates for official law enforcement purposes.

ALPR will create alerts/hits which include

1. Identifying stolen or wanted vehicles,
2. Missing persons
3. Amber Alerts
4. Silver Alerts

The Stow Police LPR will be set up NOT to alert officers on immigration warrants.

Prior to initiation of a stop, based on an ALPR Hit or Alert, the initiating Officer(s) shall:

1. Visually verify that the vehicle plate number matches the plate number run by the ALPR System, including both:
 - a. Alphanumeric characters of the license plate; and
 - b. The state of issue.
2. Verify the current status of the plate through:
 - a. The Commonwealth's Criminal Justice Information System (CJIS), or
 - b. National Crime Information Center (NCIC), or
 - c. Department's Records Management System (RMS), or
 - d. Other appropriate source of data, when circumstances allow, or as soon as practicable.

DATA COLLECTION AND RETENTION

The Chief of Police or designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All ALPR data downloaded from devices will be entered into as part of the case record and those cases will be stored in accordance with the established records retention schedule.

ALPR photo or data, captured by Stow Police Department's LPR's, will be deleted and destroyed 15 days after capture, unless downloaded and attached to an investigation.

ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means.

1. All ALPR data downloaded to the Stow Police Records Management System and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time
2. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action and must have a case number assigned with narrative describing the reasonable suspicion or probable cause, or emergency situation
3. ALPR system audits should be conducted on a regular basis.
4. The public will have access to statistical information of the Stow Police use of ALPR

RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

1. The agency makes a written request for the ALPR data that includes:
 - a. The name of the agency.
 - b. The name of the person requesting.
 - c. The intended purpose of obtaining the information.
 - d. Officers who assist other agencies, must follow mutual aid agreements, and have documents any access to the system with a case number.
2. The approved request is retained on file.

TRAINING

The Chief of Police or designee should ensure that members receive department-approved training for those authorized to use or access the ALPR system

POLICY REVIEW

The ALPR Administrator shall be responsible for:

1. Annual review of this policy and the procedures contained herein; and making recommendations through appropriate channels to the Chief of Police, for any necessary amendments.
2. As use of this technology progresses, the Department shall continue to monitor and assess the appropriateness of this policy, as new technology may raise both legal and technological issues.

SUMMARY

The above stated policy and procedure is meant to provide general guidelines for the use of the Automatic License Plate Recognition (ALPR) System for members of the Stow Police Department. Particular facts or circumstances may necessitate an officer or supervisor taking action other than the procedures listed above.

This policy and procedure is for Stow Police Department use only and is not meant to enlarge an officer's criminal or civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in an administrative proceeding.