



**Police Commissioner's Special Order**

Number: SO 26-17

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**SUBJECT: RULE 113A, BIAS-FREE POLICING POLICY - REVISED**

Rule 113A, Bias-Free Policing Policy is hereby issued superseding all previous rules, special orders, memos and directives on this subject.

Rule 113A is being revised to codify current practices and to address relevant standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA).

This rule is effective immediately.

Specific changes include:

Section 6. Training – adding recruit training and annual refresher training

Section 7. Compliance – adding Reporting Allegations of Bias, and Annual Review

Section 8. Transparency and Accountability – adding reference to the BPD's Data and Accountability Hub

Michael A. Cox  
Police Commissioner

## **BIAS-FREE POLICING POLICY**

### **Section 1. General Considerations**

The Boston Police Department is committed to building and strengthening trust with all members of the community. Actual or perceived bias by police undermines this trust and damages relationships with the community – relationships that are at the heart of an effective community policing approach. Bias practices are unfair, ineffective, promote mistrust, and perpetuate negative and harmful stereotypes. The Department recognizes that bias can occur at both an individual and an institutional level. All members of the Boston Police Department (sworn and civilian) are committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner. The Boston Police Department is committed to bias-free policing.

### **Section 2. Policy**

All people having contact with Boston Police Department personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with law, and without consideration of specified characteristics as defined in this policy.

### **Section 3. Purpose**

The purpose of this policy is to emphasize the Boston Police Department’s commitment to fair and bias-free treatment of all people and to clarify the circumstances in which Department personnel may consider specified characteristics when carrying out duties. Fair and bias-free policing enhances legitimate law enforcement efforts and promotes trust within the community.

### **Section 4. Definitions**

**Sec. 4.1 Bias-free Policing**, as defined by MGL Chapter 6E Section 1:

“**Bias-free policing**”, policing decisions made by and conduct of law enforcement officers that shall not consider a person’s race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level. This definition shall include policing decisions made by or conduct of law enforcement officers that: (1) are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or (2) consider a person’s race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level because such factors are an element of a crime.

**Sec. 4.2 Biased Policing:** Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of department personnel toward classes of people based on specified characteristics.

**Sec. 4.3 Police Services:** Includes the full spectrum of police interactions with the community in the service of public safety. This includes law enforcement, community policing, community engagement, and partnerships with governmental and non-governmental organizations.

**Sec. 4.4 Specified Characteristics:** For the purposes of this policy, real or perceived personal characteristics, to include but not limited race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level. (Per MGL Chapter 6E Section 1 definition of bias-free policing listed above.)

## **Section 5. Fair and Impartial Treatment: Use of Personal Characteristics in Law Enforcement Activities**

Per MGL Chapter 6E Section 1, bias-free policing includes “policing decisions made by or conduct of law enforcement officers that: (1) are based on a law enforcement purpose or reason which is non-discriminatory, or which justifies different treatment; or (2) consider a person’s race, ethnicity, sex, gender identity, sexual orientation, religion, mental or physical disability, immigration status or socioeconomic or professional level because such factors are an element of a crime.” (See definition of bias-free policing in Section 4.)

1. Biased policing is prohibited both in enforcement of the law and the delivery of police services.
2. Department personnel shall take equivalent enforcement actions and provide bias-free services to all people in the same or similar circumstances. This does not mean that all people in the same or similar circumstances must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, for example when dealing with people with disabilities, injury, or illness.
3. Department personnel may only consider specified characteristics when credible, timely intelligence relevant to the locality links a person or people with a specified characteristic(s) to a particular unlawful incident, or to particular unlawful incidents or criminal patterns.
4. Restrictions on the use of specified characteristics do not apply to law enforcement activities designed to strengthen the agency’s relationship with its diverse communities.

## **Section 6. Training**

All affected personnel shall receive initial training in biased issues to include legal aspects.

At the discretion of the Police Commissioner, affected personnel shall receive periodic in-service training in biased issues including legal aspects. Employees may be assigned remedial training in biased issues.

Annually, all affected personnel shall review Rule 113A Bias-Free Policing Policy. The review shall be documented.

## **Section 7. Compliance**

### **Supervision and Discipline**

1. Where appropriate, Department personnel are encouraged to intervene at the time the biased policing incident occurs. Department personnel who witness or who are aware of instances of biased policing shall report the incident to their immediate supervisor.
2. Supervisors shall:
  - a. Ensure that all Department personnel in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring.
  - b. Respond to violations of this policy with training, counseling, discipline, or other remedial intervention as appropriate to the violation.
  - c. Ensure that those who report instances of biased policing are not subject to retaliation.

### **Reporting Allegations of Bias**

The Bureau of Professional Standards reports all complaints against Boston Police Officers where there is an allegation of bias to the Peace Officer Standards and Training Commission (POST-C).

### **Annual Review**

Annually, the Auditing and Review Section of the Bureau of Professional Standards, or another unit designated by the Police Commissioner, shall conduct a documented administrative review of activities with potential for bias to include a summary of biased policing complaints.

## **Section 8. Transparency and Accountability**

The Department is committed to an ongoing and open dialogue with community leaders to ensure that it is engaging in bias-free policing. The Department is committed to community policing in all of the City's neighborhoods, proactively engaging with youth, families and community members to build lasting relationships, solve problems, and prevent crime.

The Department is committed to continuing analysis and public release of data related to documented police interactions with community members. The Department encourages the public to access the BPD's Data and Transparency Hub on [police.boston.gov](http://police.boston.gov) for a series of interactive data dashboards and reports.

Michael A. Cox  
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