

MEMORANDUM FOR FILE



HOLLIS POLICE DEPARTMENT

To: Joseph Hoebeke, Chief of Police
 From: Lieutenant James Maloney, Administrative Services Bureau Commander
 Date: March 4, 2021
 Subject: Annual Bias Based Policing Administrative Review
 Cc: Captain Brendan LaFlamme, Operations Commander

Sir,

CALEA Standard 1.2.9 mandates an annual administrative review of our practices regarding Bias Policing. This annual review is also mandated through Hollis Police Department General Order **AD-131, Fair and Impartial Policing**. I have completed this Bias Based Policing Review based on our 2020 statistics to ensure that we are following best practices in this area. This review includes information from the following categories:

- Arrests
- Field Contacts
- Consent Searches
- Motor Vehicle Stops
- Internal Affairs Investigations and Complaints
- Asset Forfeiture Proceedings
- Policy Review

It should be noted that our last Bias-Based Policing Review was completed on February 18, 2020, and it included data from the 2019 calendar year.

ARRESTS:

In 2020, the Hollis Police Department made 165 arrests. This includes custodial arrests, protective custody arrests, and summonses in lieu of arrest for misdemeanor offenses. Of the total number of arrests, 127 were males (77%), while 38 were females (23%).

As a summary of arrest data for 2020:

- White subjects accounted for 156 of the total 165 arrests (94.5%). The majority of the white subjects arrested were males (120 individuals or 72.7% of the total arrests).
- Asian subjects accounted for 1 of the 165 total arrests in the 2020 calendar year, which is .061%. The only Asian subject arrested was male.
- Black or African American subjects accounted for 8 of the total 165 arrests (4.85%). 6 of the 8 Black or African American persons arrested were males, which constitutes 3.6% of the total number of all arrests.

Of the 165 individuals arrested in 2020, 22 individuals identified as being Latino (13%). The majority of Latino subjects arrested were males (77%), or 17 out of 22 of the total number of people arrested who identified as Latino.

FIELD CONTACTS:

An officer completes a **Field Interview/Field Contact** in our Records Management System when they have contact with a person in the field who is not arrested but who is suspicious in nature. For example, if an officer located a subject loitering behind a closed business with no legitimate purpose, they would complete a Field Interview report. The Hollis Police Department generally has very few reports of this nature on an annual basis.

Additionally, officers who conduct a traffic stop and investigate a motor vehicle operator for suspicion of impaired driving, yet the investigatory process does not reach the legal element of probable cause for arrest will complete a Field Interview/Field Contact report as well. These are the vast majority of Field Interview reports filed during the 2020 calendar year.

The Hollis Police Department documented 33 field interviews/field contacts in the 2020 calendar year. 30 of these contacts were initiated during traffic stops for impaired driving where Standardized Field Sobriety Tests were administered, but the operators were not arrested. Officers made contact with a total of 35 people as a result of the 33 field interviews documented. Of the 35 individuals contacted, 33 were categorized as white (94%), 1 as black (2.8%), and 1 as unknown (2.8%). An unknown category means that the officer could not determine the race or ethnicity of the person contacted and did not feel comfortable guessing on these descriptors.

26 males (74%) and 9 females (26%) were contacted. Of these, none of the males stopped were categorized as Hispanic, but one of the females was categorized as Hispanic/Latina (2.8%) The only black subject who was stopped was male and was not of Hispanic ethnicity.

Within the category of Field Interviews/Field Contacts as described above, only one Black or African American male subject was accounted for. When evaluating this specific incident, we found that it was not necessary for the officer to complete a Field Interview report. It is, however, important to note that the officer decided to complete the report as the matter involved a report of suspicious activity and the male subject was less-than-cooperative with the officer. The officer

completed the Field Interview report as he correctly suspected the subject would be filing a complaint about him in the future. This incident was later investigated as an Internal Affairs complaint.

CONSENT SEARCHES:

This is a new category of our annual Bias Based Review. After administrative discussion, we recognize the importance of examining officer initiated consent search activity for signs of bias in our police work. Accordingly, we created this category to enhance the comprehensive nature of this review.

Officers are required to complete an offense report for incidents involving consent searches not leading to a further police action, such as an arrest or the issuance of a summons in lieu of arrest. As a general rule, most but not all of these consent searches arise from motor vehicle stops. Although these instances did not result in an arrest or summons, this section of the report also considers data relative to consent searches resulting in an arrest of a person, which is detailed below.

Consent Searches – No Arrests: In 2020, the Hollis Police Department recorded 31 consent searches that did not result in an arrest. These 31 recorded incidents resulted in contact with a total of 53 individuals. The statistics break down as follows:

White Males	32 (60%)	Black Males	6 (11%)
White Females	15 (28%)	Black Females	0
White Male Non-Hispanic	27 (50%)	Black Male Non-Hispanic	3 (5%)
White Female Non-Hispanic	12 (22%)	Black Female Non-Hispanic	0
White Male Hispanic	5 (9%)	Black Male Hispanic	3 (5%)
White Female Hispanic	3 (5%)	Black Female Hispanic	0

No other races were documented during these consent searches.

Total Males stopped	38 (72%)	Total Females stopped	15 (28%)
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CONSENT SEARCHES NOT RESULTING IN ARREST

RACE	GENDER	HISPANIC/ LATINO	NOT HISPANIC/ NOT LATINO	UNKNOWN ETHNICITY	TOTAL
Black or African American	Male	3	3	0	
	Female	0	0	0	
Asian	Male	0	0	0	
	Female	0	0	0	
White	Male	5	27	0	
	Female	3	12	0	
Unknown Race	Male	0	0	0	
	Female	0	0	0	
Totals	Male	8	30	0	38 (72%)
	Female	3	12	0	15 (28%)

Consent Searches – Arrest/Summons Issued: In evaluating data relative to arrests, we found a total of 18 recorded incidents (both in-custody and summons arrests) resulting from consent searches. These 18 incidents are in addition to the 31 incidents described in the previous section. Of these 18 arrests, the following information was collected:

White Males	14 (78%)	Black Males	1 (5%)
White Females	3 (17%)	Black Females	0
White Male Non-Hispanic	12 (67%)	Black Male Non-Hispanic	1
White Female Non-Hispanic	1	Black Female Non-Hispanic	0
White Male Hispanic	2	Black Male Hispanic	0
White Female Hispanic	2	Black Female Hispanic	0

14 individuals were categorized as white male (78%), 3 as white female (17%), and 1 as black male (5%). No black females were arrested. Moreover, two of the white male subjects were categorized as Hispanic/Latino (17%), and 2 of the white female subjects were Hispanic/Latina.

CONSENT SEARCHES RESULTING IN ARREST

RACE	GENDER	HISPANIC/LATINO	NOT HISPANIC/ NOT LATINO	UNKNOWN ETHNICITY	TOTALS
Black or African American	Male	0	1	0	5%
	Female	0	0	0	0
Asian	Male	0	0	0	0
	Female	0	0	0	0
White	Male	2	12	0	78%
	Female	2	1	0	17%
Unknown Race	Male	0	0	0	0
	Female	0	0	0	0
Totals	Male	2	13	0	15
	Female	2	1	0	3

***It is important to note that although Hispanic/Latino might not be the accepted terminology to describe a person's ethnicity, this is the title used within our Records Management System.*

The Hollis Police Department conducted consent searches affecting a total of 71 people in 2020. This included 53 males (75%) and 18 females (25%). Further breakdown shows:

White Male Non-Hispanic	39 (55%)	Black Male Non-Hispanic	4	(6%)
White Female Non-Hispanic	13 (18%)	Black Female Non-Hispanic	0	
White Male Hispanic	7 (9%)	Black Male Hispanic	3	(4%)
White Female Hispanic	5 (7%)	Black Female Hispanic	0	

DEMOGRAPHIC COMPOSITION AND COMPARISON – TOWN OF HOLLIS:

According to data provided by the U.S. Census Bureau Statistics for the Town of Hollis as reported on July 1, 2019, the total population of Hollis is 7,945. Of this total population number, 92% are categorized as White, 1% as Black, and 2.9% as Asian. 3.5% of the total population is categorized as being two or more races, with White and Asian being the most predominant descriptor for this statistic. Moreover, the data provided indicates that 2.2% of the total population is categorized as Hispanic or Latino, while 97.8% of the population identified as not of Hispanic or Latino.

An additional important factor to consider when reviewing our numbers is that the population of the general geographical area around Hollis includes the City of Nashua and the towns forming the northern border of Massachusetts. Two of our major roadways directly connect urban areas to our east and southwest. We are not simply dealing with the population of Hollis per se when we have police encounters with citizens, but instead deal with the larger geographic population.

In summary of the foregoing information, I believe that the data generated by this analysis of field interviews and consent searches conducted by the Hollis Police Department is consistent with the demographics listed in the data provided by the U.S. Census Bureau Population

Estimates, dated July 1, 2019. It should be noted that new population statistics for Hollis are not currently available from the US Census Bureau and are not anticipated until June 2021.

MOTOR VEHICLE STOPS:

In 2020, the Hollis Police Department recorded 3133 investigatory traffic stops. Of the total number of stops, 1929 of the operators stopped were male (62%), while 1191 of the operators stopped were females (38%). 10 operators were classified as unknown gender, race, and ethnicity.

RACE	GENDER	HISPANIC/LATINO	NOT HISPANIC/ NOT LATINO	UNKNOWN ETHNICITY	DATA NOT AVAILABLE
Black or African American	Male	17	72	2	X
	Female	3	27	0	X
Asian	Male	0	49	2	X
	Female	0	24	0	X
White	Male	141	1587	10	X
	Female	70	1036	4	X
American Indian	Male	0	1	0	X
	Female	0	0	0	X
Pacific Islander	Male	0	0	0	X
	Female	0	1	0	X
Unknown	Male	14	6	30	X
	Female	2	1	23	X
	Unknown	0	0	1	X
Totals	Male	172	1715	42	X
	Female	75	1089	27	X
	Unknown	0	0	1	
Total Stops = 3133		247	2804	72	10

Further review of the applicable data indicates the following:

- A total of 2848 White operators were stopped. This accounts for 91% of the total number of traffic investigatory stops conducted. 55% of the total number of the White operators stopped were males (1738).
- A total of 121 Black or African American operators were stopped. This accounts for 3.8% of the total number of traffic investigatory stops conducted. The majority of the Black or African American operators stopped were men (76% of the total number of Black or African American operators stopped; or 91 of 121 stops).

- A total of 76 Asian/Pacific Islander operators were stopped. This accounts for 2% of the total number of traffic investigatory stops conducted. 51 of the Asian operators stopped were men (67% of the total number of motor vehicle stops for Asian/Pacific Islander investigatory stops).
- Of the 3133 motor vehicle stops conducted in 2020, 247 were categorized as being "Hispanic" (8%); 2804 were categorized as being "Not Hispanic" (89%). The word "Hispanic" is used in our software database, synonymously with the more commonly accepted term "Latino".
- 72 individuals were marked as "Unknown" ethnicity (2%), and on 10 incidents no data on gender, race, and ethnicity was recorded (.003%).

In reviewing the above data, I noted that we conducted approximately 1200 less car stops in 2020 than we did in 2019 (4321). There is no doubt this is due to the pandemic and our careful response to citizen contacts at the beginning of the crisis. That being said, the percentages of white, black and other minority contacts through vehicle stops remain remarkably consistent with our 2019 numbers. Additionally, these percentages fall well within the norms established by our population data.

Importantly, while reviewing the numbers for motor vehicle stops during this analysis, we appear to have resolved a previous issue with our data collection. Over the past three years of analysis, one of the issues we have consistently noted was that we failed to capture gender, race, and ethnicity data during traffic stops. Specifically, in 2018 we failed to capture data in 254 instances out of 6376 stops (3.9%), and in 2019 failed to do so in 160 instances out of 4321 stops (3.7%). Of particular frustration was the limitations of our records keeping and dispatch software to accurately analyze and report on the information on gender, race and ethnicity we sought.

Based on the above missing data, we previously made a number of specific efforts to improve this data collection margin of error, including issuing guidance to officers via Special Orders in January 2018, March 2020 and August 2020. Additionally, we issued a new General Order that addressed this issue in April 2019.

When we first ran the motor vehicle numbers for this analysis, we again saw that a small but unacceptable percentage (about 70 in total) motor vehicle stops where there was no documentation of gender, race and ethnicity of operators. It did not seem reasonable that officers were reporting unknown gender of operators on that many stops. Requests for assistance to work through this issue with our software vendor were unsuccessful. Ultimately, we decided we would have to review our motor vehicle data manually, stop by stop, one at a time.

With assistance from our IT Manager, during this hand audit Chief Hoebeke and I were able to determine the issue. A number of our motor vehicle stops were entered twice in our system, for various reasons. The most common reason was if an operator towing a trailer was stopped, the

software system was assigning a second operator for the trailer, and not documenting gender, race and ethnicity of the imaginary operator. Other instances occurred when an officer called out with a parked vehicle on the side of the road or in a parking lot after hours, dispatchers were entering the call as a motor vehicle stop. When there was no operator with the car, a non-existent operator with no gender, race or ethnicity went into the software system. Lastly, there were several occurrences where we did have race and ethnicity information on an operator in our records management system, but it was not transferring to the reports run by our IT Manager to obtain data for this analysis.

Although this process was time consuming, after we completed our hand review, we determined only 10 instances where gender, race and ethnicity were unknown. This is .003% of all motor vehicle stops. These most likely occurred when an officer dispelled their reason to stop a motorist immediately and released the operator prior to identifying them. As we now have insight into our software data collection issues, our future statistics will be more accurate than our past statistics.

INTERNAL AFFAIRS INVESTIGATIONS/CIVILIAN COMPLAINTS:

In 2020, we had a total of four complaints filed against members of the Hollis Police Department. One of these complaints was by an individual who believed he was the victim of biased-based profiling. Based on this individual's complaint, a thorough Internal Affairs investigation was completed. The investigation found that while the officer engaged in improper police procedure, he did not do so due to bias against the complainant. The complaint of bias-based treatment was Unfounded. Remedial Training on other issues for the officer involved was held after the conclusion of the internal investigation. The citizen who complained did not provide any feedback regarding his level of satisfaction with our investigation, despite invitations to do so.

This is our first biased-based citizen complaint within the past three years. We as an agency continue to be committed to providing highly effective policing services while engaging in proactive policing efforts in a manner that is just, in conformance with the dictates of our policies and procedures, and also in accordance with the dictates of applicable federal law.

ASSET FORFEITURE PROCEEDINGS:

In 2020, the Hollis Police Department did not engage in any asset forfeiture proceedings.

POLICY REVIEW:

General Order AD-131 "Fair and Balanced Policing" addresses the issue of and prohibition of Biased Policing. It includes several definitions, including a definition of "Biased Policing" and "Protected Classes". I have reviewed these definitions and feel that we can enhance our definition of "Protected Classes". The current definition is "*As defined in federal law, protected class is race, color, religion, sex, national origin, age, disability, and veteran status.*" I believe we should change some language in this definition. I suggest we replace "sex" with "*sexual*

orientation" and also add the words "*gender identity*" and "*gender*". We use this language elsewhere in the policy when addressing prohibited behaviors.

A thorough and thoughtful administrative review of this policy does not indicate, nor does it cause me to believe that it would be necessary to alter any other language in this general order or other directives relative to bias-based profiling.

This annual review brought to light a previously undiagnosed issue with the way our reporting software maintains data on gender race and ethnicity with motor vehicle stops. In previous years, what we thought was a number of failures of officers to collect this data may have instead been inaccurate calculations by our software. This year's analysis showed that if a motor vehicle stop involved a vehicle pulling a trailer, our software created a non-existent trailer driver with no gender, race, or ethnicity documented. In addition, there were a number of other instances where data was in fact collected during the stop however not reported when prompted in the software. In future analysis reporting, we will anticipate and work through this limitation of our software.

It remains necessary for members of the Hollis Police Department to properly document all motor vehicle stops, regardless of whether such a stop indicates the commission of a motor vehicle violation or other criminal offense. Feedback on what we have learned from this analysis should be provided from our administration to all supervisors and officers.

All members of the Hollis Police Department, which includes both sworn and non-sworn personnel, received both ethics training and biased based training in 2020:

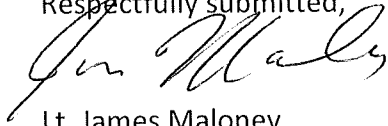
- In April 2020 all sworn and unsworn employees completed a one hour video training on the COPS Training Portal website entitled "Changing Perceptions: A Fair and Impartial Policing Approach".
- In May 2020, all employees completed a two hour video training on the COPS Training Portal website entitled "Ethical Decision Making: Policing with Principled Insight".
- On August 28, 2020, retired Chief John Moynahan of the Moultonboro Police Department presented a class on racial equality at our mandatory department meeting.
- Lastly, in November 2020, we conducted a four hour video based training entitled "Duty to Intervene" with our vendor Blue to Gold Training.

2020's training calendar includes additional ethics and bias based training plans. New officers continue to receive ethics training and bias-based training within days of their hire date and prior to attendance at the NH Police Academy.

The administration and supervisors of the Hollis Police Department will remain vigilant at monitoring current patterns, indicators, and trends relative to bias-based profiling to ensure that

we maintain a high level of fair and equitable law enforcement services for those who reside in or visit the Town of Hollis.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Maloney", written over the typed name.

Lt. James Maloney
Administrative Services Bureau