



# NORTH PROVIDENCE POLICE DEPARTMENT



## GENERAL ORDER 320.04

<b>SUBJECT: BIASED POLICING</b>		
Issue Date: <b>04/10/18</b>	Effective Date: <b>04/10/18</b>	Distribution: <b>All Sworn Personnel</b>
Subject Area: <b>PATROL FUNCTIONS</b>		RIPAC Standard: <b>2.8</b>
Amends/Rescinds: <b>All Previous Biased Policing Policies</b>		Review Date: <b>Annually</b> Pages: <b>6</b>
<b>Per order of the Chief of Police:</b>  		<b>Approved by the Director of Public Safety:</b>  
<i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.</i>		

### I. PURPOSE

The purpose of this policy is to unequivocally state biased policing utilizing race, ethnicity, sexual orientation, disability, religious belief, age or gender in law enforcement operations is expressly prohibited. This policy will provide guidelines for members in order to prevent such occurrences. Additionally, it will provide appropriate guidelines and procedures for the investigation of complaints of disparate treatment of individuals at traffic stops or other encounters to protect individuals from biased policing and protect members when they act within the dictates of the law and policy from unwarranted accusations. It is also the intent of this policy to adhere to the contents of Rhode Island General Law (RIGL) §31-21.2 et seq., “Comprehensive Community-Police Relationship Act of 2015.”

### II. POLICY

It is the policy of the North Providence Police Department that all members are strictly prohibited from engaging in biased policing activities with regard to any law enforcement efforts, including traffic contacts, field contacts, asset seizure and forfeiture efforts.

Members of this Department will ensure that all persons shall be treated fairly and will not participate in, nor condone, the disparate treatment or biased policing, based on race, ethnicity, sexual orientation, disability, religious belief, age or gender. Biased policing undermines legitimate law enforcement efforts and fosters distrust among the community it serves.

This policy shall not prohibit, as part of a criminal investigation, the use of an individual’s race, nationality, ethnicity, gender, sexual orientation, disability, religion, or any combination of such factors as a part of a specific description of a suspect, witness, or victim.

This policy is not intended to preclude officers from engaging in community caretaking functions, such as observing a substance leaking from a vehicle or a flat tire; checking on someone who appears to be ill, lost or confused or considering a person's apparent age when investigating curfew regulations, graduated driver's license provisions, or liquor law violations.

### III. DEFINITIONS

- A. **ARTICULABLE/REASONABLE SUSPICION:** It is based on a specific, articulable set of facts and circumstances that lead a law enforcement officer to believe criminal activity is involved, and the facts and circumstances can lead to a stop and temporary detention of a person for questioning. Information must be more substantial than a mere hunch, but can be less than probable cause. A frisk (i.e., terry rule) may be appropriate under this definition.
- B. **BIASED POLICING:** The detention, selection, interdiction or other disparate treatment of any person on the basis, in whole or in part, of the race, ethnicity, sexual orientation, disability, religious belief, age, or gender of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose aforementioned status is part of the description of the suspect, which description is timely and reliable.
- C. **FIELD INTERVIEW/CONTACT:** The brief detention of an individual, whether on foot or in a vehicle, based upon reasonable suspicion for the purpose of determining the individual's identity and resolving an officer's suspicions.
- D. **PROBABLE CAUSE:** Sufficient knowledge of articulable facts and circumstances that would lead a reasonable law enforcement officer to believe that a person has either committed, is committing or is about to commit an offense. Probable cause is a necessary element to place a person under arrest and/or apply for a search warrant to conduct a search of a person's home or property.

### IV. PROCEDURE

- A. **FAIR AND IMPARTIAL POLICING**
  - 1. Stopping and approaching traffic violators shall be conducted in accordance with General Order 340.01 entitled "Traffic Enforcement" and General Order 340.07 "Search Document Reporting – Motor Vehicle Stops."
  - 2. All officers are instructed not to abuse their discretion and selectively target specific groups or individuals based solely on their race or other illegitimate factors.
  - 3. Officers shall comply with RIGL§ 31-21.2, "Comprehensive Community-Police Relationship Act of 2015."

- a. No motor vehicle stopped will be detained beyond the time needed to address the traffic violation unless either reasonable suspicion or probable cause for criminal activity exists.
  - b. Ensure the lengths of traffic stops, investigative detentions, field contact, etc., are no longer than necessary to take appropriate actions.
  - c. No operator or passenger of a stopped motor vehicle shall be requested to consent to a search of his/her motor vehicle which is stopped solely for a traffic violation unless there exists reasonable suspicion or probable cause of criminal activity.
  - d. No pedestrian, bicycle operator or juvenile shall be requested to consent to a search of his/her person unless there exists reasonable suspicion or probable cause of criminal activity.
  - e. Any evidence obtained as a result of a search prohibited by (b) and (c) above, may be challenged and ruled inadmissible in any judicial proceeding.
  - f. With the exception of operators who are subject to federal motor carrier regulations, no operator of a motor vehicle shall be requested to provide any documentation or identification other than a driver's license, motor vehicle registration and/or proof of insurance.
4. Each time a motorist is stopped the officer shall radio the dispatcher:
    - a. The location of the stop;
    - b. The description of the vehicle being detained;
    - c. The number of occupants;
    - d. Reason for the stop, when warranted.
  5. Communications personnel shall log all pertinent information.
  6. All required reports and/or forms shall be completed by the officer at the end of the stop.

## B. TRAINING

1. Officers shall receive initial recruit training and annual in service training thereafter that promote and encourage impartial policing. Applicable training subjects may include, but are not limited to officer safety, courtesy, cultural diversity, interpersonal communication skills and such legal aspects as search and seizure, constitutional and case law.

2. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion and police action.
3. The policies and procedures established by this section shall be added to, and prominently placed in, all relevant departmental policy and training manuals. Other appropriate training about the requirements of this chapter shall also be provided to all sworn personnel.

#### C. MONITORING/ SUPERVISION

1. Supervisors shall monitor officers' activity for any obvious or subtle signs of bias or improper selective enforcement and insensitivity. The Department will utilize proactive methods appropriate to resources and community characteristics to ensure compliance with the policy. Examples of methods that may be employed include, but are not limited to, the following measures:
  - a. Field supervision;
  - b. Training;
  - c. Case activity/report review;
  - d. Analysis of officer/division activity;
  - e. Citizens complaint process;
  - f. Early intervention system;
  - g. Traffic stop data collection
  - h. Performance evaluations.
2. Adherence to this policy will be mandated by consistent, on-going supervision.

#### D. DATA REPORTING/ ANALYSIS

1. The Department will record, collect, review and report routine traffic stop data in accordance with RIGL § 31-21-2.6 (d) (e) and (k), "Continued Data Collection".
2. The Officer-in-Charge (OIC) of the Office of Professional Standards shall conduct an annual administrative review of the Department's policies and practices, to include citizen concerns relating to biased policing, to examine and ensure the Department's commitment to impartial policing.
3. Any person may file a complaint with the Department if they feel that they have been stopped or searched based on racial, ethnic or gender based profiling, and no person shall be discouraged, intimidated or coerced from filing such a complaint or discriminated against because they have filed such a complaint.

4. Any supervisor contacted by a person who wishes to file such a complaint, shall complete the "Complaint/ Compliment Form" in accordance with the General Order 130.02 entitled "Internal Affairs."
5. Biased policing complaints will be investigated as noted in General Order 130.02 entitled "Internal Affairs". All complaints will be thoroughly investigated by the Office of Professional Standards.

E. CORRECTIVE MEASURES

1. Officers found to have violated the prohibition against profiling may be subject to corrective measures that include, but are not limited to, counseling, remedial training and/or disciplinary action up to and including dismissal.

F. REVIEW

1. Supervisors shall review each officer's stop and search documentation and data results to ensure compliance with all policies, prohibitions and documentation requirements.
2. The Chief of Police will ensure a documented yearly administrative review is conducted by the Office of Professional Standards to examine the agency's commitment to impartial policing. Dynamics that are to be incorporated in these reviews include related agency directives, practices, citizens' complaints or bias policing practices.