



North Kingstown Police Department

8166 Post Road, North Kingstown, Rhode Island 02852

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	August 23, 2021	320.02	August 20, 2021
SUBJECT TITLE		SUBJECT AREA	
BIAS / IMPARTIAL POLICING		PATROL FUNCTIONS	
RIPAC REFERENCE		PREVIOUSLY ISSUED DATES	
2.8		10/13/00, 4/15/13, 3/9/16	
DISTRIBUTION	REEVALUATION DATE	PAGES	
POLICE	AS NECESSARY	4	

I. PURPOSE

The purpose of this policy is to unequivocally state that profiling based solely on race, ethnicity, sexual orientation, disability, religious belief, age or gender in law enforcement is expressly prohibited. The purpose of this policy is to provide guidelines for officers to prevent occurrences and to provide appropriate guidelines and procedures for the investigation of complaints of disparate treatment of citizens at either traffic stops or other citizen-police encounters that will be fair to both citizen and officer. It is also the intent of this policy to adhere to the contents of RIGL 31-21.2-5 through 8 of the Comprehensive Community–Police Relationship Act of 2015.

This policy is intended to assist members in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they should expect to be held accountable.

II. POLICY

It is the policy of the North Kingstown Police Department that all members are strictly prohibited from engaging in bias-based profiling activities regarding any law enforcement efforts.

Members of this department will ensure that all individuals shall be treated equally and will not participate in, nor condone, the disparate treatment or profiling based solely on race, ethnicity, sexual orientation, disability, religious belief, age or gender. Bias-based policing undermines legitimate law enforcement efforts and fosters distrust among the community it serves. Individuals will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

The use of bias-based profiling for stopping, detaining or searching motorists or passengers is strictly prohibited. The use of race or ethnicity shall not be used, in whole or in part, for stopping or searching motorists on the public highways except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose race or ethnicity is part of the description of the suspect.

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 care-taking 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. **Bias-Based Profiling** – The detention, interdiction, or other disparate treatment of an individual on the basis, in whole or part, of the racial or ethnic status of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect, which description is timely and reliable.
- B. **Articulate / reasonable suspicion** – It is based on a specific, articulable set of facts and circumstances that leads a law enforcement officer to believe criminal activity is involved and these 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.
- C. **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 or is about to commit an offense. Probable cause is a necessary element to place a person under arrest and/or to apply for a search warrant to conduct a search of a home or a person's property.
- D. **Field interview/contact** - The brief detainment of an individual, whether on foot or in a vehicle, based upon reasonable suspicion for the purposes of determining the individual's identity and resolving an officer's suspicions.

IV. PROCEDURES

- A. All officers are instructed not to abuse their discretion and selectively target specific groups and/or individuals based solely on their race or other biased-based factors.

- B. In response to a report of criminal activity or as part of an officer's self-initiated activities, Biased-Based Profiling will not be a factor in the following instances:
 - 1. Determining the existence of probable cause to arrest a person.
 - 2. Conducting a "Terry" Stop and/or Frisk.
 - 3. Conducting Traffic Enforcement Activities.
 - 4. Conducting any temporary detention of a person or vehicle.
 - 5. Conducting Field Interviews.
 - 6. Conducting any search of a person and/or vehicle.
 - 7. In any asset seizure or forfeiture proceedings.
 - 8. In any community care-taking function.
 - 9. As part of any independent decision to investigate and/or complete a police report.

- C. Upon completion of any discretionary search, an officer will document the search in a formal police report that will contain the date, time, location, and articulate the reasonable suspicion or probable cause for the search. This report must also include the race, age, and gender of the individual searched and the result of the search.

V. MONITORING / RESPONSIBILITIES

- A. Supervisors of all ranks are responsible for providing effective supervision to reasonably monitor those under their command to ensure compliance with this directive and to take corrective action where indicated.

- B. Employees witnessing behavior contrary to this directive are required to take immediate action to end the behavior.

- C. Employees witnessing behavior contrary to this directive or becoming aware of conduct contrary to this directive must immediately report their knowledge of the incident to their immediate supervisor in writing. If their supervisor is the subject of the report or in the absence of their supervisor, the employee must report it to another supervisor or to the next level in the chain of command.

- D. Officers found to violate the prohibition against biased-based policing may be subject to the following corrective measures to include, but not limited to, counseling, re-training, disciplinary action and/or dismissal.

- E. The Administrative Commander shall conduct an annual documented review of the agency's practices, citizen concerns and community concerns regarding biased-based policing and other discriminating actions.

VI. TRAINING

- A. Sworn personnel shall receive initial and annual in-service training pertaining to biased-based policing, to include legal issues and policy review.

- B. All Training conducted pursuant to this policy shall be documented.

VII. COMPLAINTS OF BIAS BASED POLICING

- A. Any person may file a complaint with the department, alleging a violation of this policy. No person shall be discouraged, intimidated and/or coerced from filing a complaint with the department.
- B. Any employee contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of the department Citizen Complaint Form and/or a copy of a complaint brochure.
- C. Bias-Based profiling complaints will be investigated and documented by the department.

By Order of:

A handwritten signature in black ink, appearing to read "Patrick Flanagan", is written over a light blue horizontal line.

Patrick Flanagan
Chief of Police