

GENERAL ORDER			
NUMBER	POLICY NAME	RIPAC STANDARD	PAGES
440.18	Biased Free Policing	2.8	4
SUBJECT AREA	REFERENCE	DISTRIBUTION	
Law Enforcement Operations		All	
DATES			
EFFECTIVE	ISSUING	REEVALUATION	PREVIOUSLY ISSUED
01 Sept 2015	01 Sept 2015	Annually	30 March 2009 1 May 2011 18 JAN 2013

1.1 PURPOSE

The purpose of this policy is to reaffirm the Pawtucket Police Department commitment to unbiased policing; to clarify the circumstances in which officers may consider group characteristics when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

1.2 POLICY

It is the policy of this Department to investigate suspicious persons, incidents, and other activities that Officers encounter on patrol. It is also the intent of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions. In the absence of any specific report, the race, ethnic background, age, gender, perceived sexual orientation, religion, economic status, or cultural group of any person will not be the basis for the detention, interdiction or other disparate treatment of any individual by any member of the Pawtucket Police Department.

1.3 DEFINITIONS

BIAS POLICING: Occurs when officers inappropriately consider group characteristics in deciding with whom and how to intervene in a law enforcement capacity.

GROUP CHARACTERISTICS: Imply groups in which the members are all persons who are classified together based on some social or physical factor(s) that distinguish them from those members of other groups. The implication includes race/ethnicity, gender, age, culture, sexual orientation and socioeconomic status.

FOURTH AMENDMENT: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

FOURTEENTH AMENDMENT: Guarantees, No state shall make or enforce any law which shall...deny to any person within its jurisdiction the equal protection of the laws.

PROBABLE CAUSE: Exists for warrant or warrant less arrest(s) when "the facts and circumstances within the officers' knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed." (Bringer v. United States, 338 U.S. 160, 1949)

REASONABLE SUSPICION: Required for detentions, “is a less demanding standard than probable cause...in the sense that reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause.” (Alabama v. White, 496 U.S. 325, 1990). Reasonable suspicion, also known as “articulable suspicion” can be based on the observations of a police officer combined with their training, knowledge, and experience, and/or reliable information received from credible outside sources.

1.4 PROCEDURES

- A. In accordance with protection by the Fourth Amendment of the United States Constitution, investigatory detention, search and seizures shall be based on a standard of acting in good faith with probable cause or reasonable suspicion. Officers must articulate specific information and the totality of the circumstances that support probable cause or reasonable suspicion to take action against the person.
1. The “totality of the circumstances” includes information made available to the officer before and at the time of police intervention (Ford v. Childers, 855, F2nd 1271).
- B. In establishing probable cause or reasonable suspicion, officers may consider group characteristics in combination with officer observations and perceptions, area relevant information and other empirical evidence that link the person or persons of a specific group characteristic to a specific suspected unlawful activity.
1. Empirical evidence implies: relating to facts in general, relating to experience, and relating to data and their collection, analysis or evaluation.
- C. Except as provided in 1.4(B), officers shall not consider group characteristics as the only source of information in establishing probable cause or reasonable suspicion. Officers shall not consider group characteristics as the only source of information in law enforcement decision to initiate nonconsensual encounters that amount to only minimal police interference or to request consensual searches.
1. In U.S. v. Brignoni-Ponce (422 U.S. 873, 1975), the Supreme Court held that police could not stop motorists based solely on their racial or ethnic appearance, even if the officer were investigating illegal aliens.
- D. Except as provided in 1.4(B), officers shall not consider group characteristics as motivating factors in any law enforcement decision.
1. In Whren et al. v. United States (517 U.S. 806, 1996), the Supreme Court held that
 - a. An officer’s underlying motive for stopping a vehicle is irrelevant when the person violates a traffic law.
 - b. The Court also noted that conducting selective enforcement based on race.(e.g. making a pretext stop because of a person’s race) is prohibited by the 14th Amendment’s “Equal Protection Clause”.

1.5 EDUCATION & TRAINING

- A. In an effort to prevent bias based policing and the perceptions thereof, the department shall provide education and training programs relating to bias in policing.
- B. Each officer shall receive initial training on biased based policing, including legal aspects, and a refresher training annually.

- C. Education and training programs shall include, but not limited to:
 1. Perspectives of police personnel, community members, and professional educators and trainers from outside the agency.
 2. Agency specific information covering policies and procedures, training protocols and community need relating to bias policing
 3. An evaluation process to ensure high quality and effective programs.
- D. Education and training programs relating to bias policing shall be woven into other police education and training programs.

2.1 CONTACTS WITH CITIZENS

- A. Officers having contact with citizens shall exercise police professionalism.
 1. Be courteous, professional and use appropriate language.
 2. Introduce him or herself to the citizen and provide their agency name.
 3. Unless providing the following information places the officer or others "at risk", Officers shall:
 - a. State the reason for the contact as soon as practical.
 - b. Answer questions citizens may have.
 - c. Explain reasonable delays and detentions that amount to inconvenience to citizens (e.g., after an investigatory stop).
 4. Ensure the detention of citizens is reasonable and no longer than necessary to satisfy the government's interest to take action against the person.

2.2 OFFICER'S RESPONSIBILITIES

- A. Officers shall operate in compliance with this policy and R.I.G.L. **§ 31-21.2-5 Law enforcement practices. –**
 1. Unless there exists reasonable suspicion or probable cause of criminal activity, no motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation. Nothing contained herein shall prohibit the detention of a motor vehicle for a reasonable period of time for the arrival of a canine unit or subsequent criminal investigation, if there is reasonable suspicion or probable cause of criminal activity.
 2. No operator or owner-passenger of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle which is stopped solely for a traffic violation, unless there exists reasonable suspicion or probable cause of criminal activity.
- B. Officers shall complete a written report whenever a search results in an arrest or towed vehicle and at a minimum a Field Interrogation (FI) report whenever a "Terry Frisk/Search is conducted during a traffic stop.
- C. As soon as practical, officers shall report to their immediate supervisor:
 1. Any violations of this policy.
 2. Any complaints of violations of this policy.

- D. All motor vehicles stops, whether for traffic violation or investigatory in nature, will require an entry in the "Profile" tab in the citation or the "Racial Profiling Entry" in the Traffic section of the IMC system.
1. If the stop was for a motor vehicle infraction and a **citation is issued** then the officer must complete the "Profile" tab in the citation entry.
 2. If the stop was for a motor vehicle infraction and a **warning is issued** then the officer must complete the "Profile" tab in the citation entry.
 3. If the stop was **investigatory in nature** then the officer must complete the "Racial Profiling Entry" in the Traffic section of the IMC system.

2.3 SUPERVISOR'S RESPONSIBILITIES

- A. Police supervisors shall reasonably ensure that all personnel under their command are familiar with the content of this policy and are operating in compliance with this policy.
- B. Supervisory personnel shall review each officer's stop and search documentation and date results on a monthly basis to ensure compliance with all policies, prohibitions, and documentation requirements.
- C. Every twelve (12) months the Patrol Major or his designee, shall submit to the office of highway safety of the Rhode Island department of transportation, or its designee, on a brief form prepared by that office, or its designee, information summarizing what, if any, actions were taken by the agency in response to any racial disparities documented in the previous reports issued pursuant to RIGL 31-21.2-6(i). The summary shall include, but not limited to: any changes to agency policies; revisions to traffic enforcement practices; detailed analysis and review of traffic stop data and the results of such review; or the initiation of any disciplinary action. Any reference to disciplinary action shall not identify the officer. The forms shall be public records and shall contain a certification that the department had complied with RIGL 31-21.2-6(j) and (k).
- D. As soon as practical, police supervisors shall report by way of chain-of-command any violations of this policy.
- E. In accordance with investigative procedures, the agency shall ensure that violations of this policy are investigated within a reasonable time frame.

3.1 ADMINISTRATIVE REVIEW

- A. The Report Review Officer will review all reports and Field Interrogation reports and forward to the Internal Affairs Division all reports of traffic stops resulting in Terry Frisk/searches
- B. There will be an annual review of this order and Department practices conducted by the Internal Affairs Division.
- C. The review will include concerns expressed by citizens.

3.2 DISCIPLINARY PROCEDURES

- A. Appropriate discipline will be implemented for non-compliance with this policy, up to and including dismissal.
- B. Failure to report any observed or known violations of this order by any member of the Department will result in disciplinary action.

3.3 DATA COLLECTION REVIEW

- A. Upon commencement of data collection and monthly thereafter, the Computer Operations Manager or their designee, shall transmit to the office of highway safety of the Rhode Island department of transportation or its designee all forms or electronic data collected to date of motorists who were stopped, and any other information the police department deem appropriate. Data collection shall continue for forty-eight (48) months following commencement of data collection.
- B. On a quarterly basis, the Computer Operations Manager or their designee, shall provide a summary report of the monthly data for that quarterly period. The report shall be a public record. The summary report shall include, at a minimum, a monthly breakdown by race, age, gender, and outcome of operators of the number of traffic stops made, violations, and of the searches conducted. The report shall be released not more than ninety (90) days after the end of each quarterly period. No information revealing the identity of any individual shall be contained in the report.

Per Order Of:

A handwritten signature in blue ink that reads "Chief Gmalon". The signature is written in a cursive style with a large initial "C".

Chief of Police