

SOUTH KINGSTOWN POLICE DEPARTMENT

1790 KINGSTOWN RD., WAKEFIELD, RI 02879



POLICY NUMBER	ORDER TYPE	ORIGINAL ISSUE DATE	EFFECTIVE DATE
430.05	OPERATIONAL POLICY	11/23/18	11/23/18
CHAPTER : SUBSECTION		TITLE	
LAW ENFORCEMENT OPERATIONS : POLICE FUNCTIONS		UNBIASED POLICING	
REVIEW DATES		REVISION DATES	
2/16/22, 1/18/24			
DISTRIBUTION	REFERENCE		PAGES
SWORN PERSONNEL	RIPAC 2.8; REPLACES 450.04 RACIAL PROFILING & 450.17 IMPARTIAL POLICING		4

I. PURPOSE

To clarify the circumstances in which officers may consider group characteristics when making law enforcement decisions.

II. POLICY

This department prohibits racial and bias-based policing in traffic contacts, field contacts and asset seizure and forfeiture efforts.

III. DEFINITIONS

Bias-Based Profiling – The selection of an individual, based solely on a trait common to a group or someone’s individual demographics, for enforcement action; this includes, but is not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

Fair and Impartial Treatment – Treating all individuals, irrespective of their individual demographics, in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, or similar conditions, or when information about them necessitates different treatment.

Individual Demographics – Personal characteristics, to include, but not limited to race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, immigration status, socioeconomic status, age, disability, cultural group or political status.

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; 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.

Racial Profiling – The detention, interdiction or other disparate treatment of an individual on the basis, in whole or in part, of the racial or ethnic status of such individual, except when such status is used in combination with other identifying factors 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.

Reasonable Suspicion – Based on a specific, articulable set of facts and circumstances that lead a law enforcement officer to believe that criminal activity is involved and these facts and circumstances can lead to a stop and temporary detention of person for questioning. Information must be more substantial than a mere hunch, but can be less than probable cause. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources. A frisk / ‘Terry pat’ may be appropriate under this definition.

IV. PROCEDURE

A. Fair and Impartial Treatment

1. Biased based profiling of individuals is strictly prohibited by officers of the South Kingstown Police Department.
2. Stops or detentions based on individual demographics any other prejudicial basis by any member of the South Kingstown Police Department are prohibited.
3. The detention of any individual, which is not based on factors related to a violation of federal law, Rhode Island statutes and/or Town Ordinances is prohibited.
4. Officers will not use actual or perceived individual demographics as the sole basis for developing reasonable suspicion or grounds for a traffic or field stop, or in deciding upon the scope and substance of post-stop action.
5. Officers must be able to clearly articulate the specific police or public safety purpose of any traffic or field stop. The operator/person will be advised of the reason for the stop as soon as practical, and the reason will be noted in the associated call screen or report.
6. When determining if reasonable suspicion for a stop, search or detention exists, or when developing probable cause for an arrest, officer may consider individual demographics, when one or more of those factors are part of the description of a known or suspected offender wanted in connection with a specific criminal or quasi-criminal incident based on a credible report.
7. With the exception of operators who are subject to federal motor carrier regulations, no operator shall be requested to provide documentation or ID (i.e. immigration paperwork, etc...) other than a driver’s license, motor vehicle registration and proof of insurance when the stop is solely for a traffic violation, unless there exists reasonable suspicion or probable cause of criminal activity or the operator has failed to produce a valid license.

8. Asset seizure and forfeiture efforts will be based on federal and/or state law and shall not be motivated by one's individual demographics.
9. 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. However, a motor vehicle may be detained 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.
10. 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 reasonable articulable suspicion or probable cause of criminal activity exists.
11. No pedestrian shall be requested to consent to a search by a law enforcement officer of his/her person, unless reasonable suspicion or probable cause of criminal activity exists.
12. No juvenile shall be requested to consent to a search by a law enforcement officer unless a reasonable suspicion or probable cause of criminal activity exists. In those instances, in which a warrant would otherwise be required, a law enforcement officer must advise the juvenile that he/she may refuse to consent to, or limit the scope of, a requested search.

Nothing in this policy shall be construed to prohibit a law enforcement officer from conducting a pat down search for weapons based upon a reasonable belief that the officer's personal safety may be jeopardized.

B. Responsibilities

1. Any employee who believes there is, or is made aware of, any violation of this order will immediately notify his or her supervisor.
2. Each supervisor is responsible for continually monitoring and examining all officers under their direct supervision to ensure that officer's actions and activities adhere to this policy and to discover any indications of bias policing.

C. Race Data Collection

1. Officers will complete the Race Data Entry tab under Vehicles in an IMC call screen, to include search and frisk data when appropriate, in accordance with SKPD Policy 420.04 - Traffic Law Enforcement, Education & Safety.
2. The Race Data Entry tab will be completed for all motor vehicle stops, as well as for motor vehicle accidents and motorist assists where the operator is present and receives a citation.
3. The Race Data Entry will be monitored by the OIC's of each shift and will have errors fixed accordingly.

D. Complaints of Biased Policing

1. Any person who feels they have been stopped or searched based on racial or other biased profiling may file a complaint and will be referred to the on-duty OIC.
2. The OIC may mitigate the issue by conversing with the complainant and explaining the reason for the stop or search.

3. If the complainant is not satisfied after speaking with the OIC they may file a formal complaint, which will be handled and investigated as per SKPD Policy 220.06 – Complaints Alleging Employee Misconduct.
4. The procedure and complaint form shall be available to the public on the department’s website and at the Town Hall.
5. Officers accused on scene of any type of biased policing shall report the incident to their supervisor and indicate any accusation(s) in the corresponding report or call screen.

E. Disciplinary Procedures

1. When on-scene at a call, supervisors shall take appropriate action if it appears that this policy is being violated.
2. Supervisors shall review documented profiling accusations and complaints made against their subordinates and be alert to any pattern or practice of possible discriminatory treatment by officers.
3. Progressive discipline and retraining will be implemented for non-compliance with this policy.
4. Failure to report any observed or known violations of this order by any member of this department will result in disciplinary action.


F. Training

1. All officers will receive initial training on biased policing issues, to include legal aspects, and will receive annual refresher training.
2. Additional diversity and/or sensitivity training may be given to officers with sustained bias-based policing complaints against them.

G. Reporting & Administrative Review

Annually – a documented review of agency practices, including citizen concerns, will be conducted by the Chief of Police or his/her designee.

By Order of:



Matthew C. Moynihan
Chief of Police