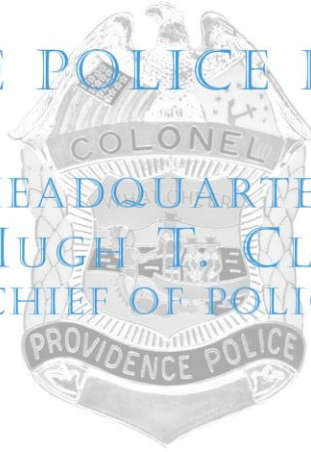


PROVIDENCE POLICE DEPARTMENT

HEADQUARTERS
COLONEL HUGH T. CLEMENTS, JR.
CHIEF OF POLICE



TYPE OF ORDER	NUMBER/SERIES	ISSUE DATE	EFFECTIVE DATE
General Order	330.18	5/12/2015	5/12/2015
SUBJECT TITLE		PREVIOUSLY ISSUED DATES	
Bias-Based Profiling		4/29/2014; 4/5/2013; Supersedes: G.O. #13 Series 2005; G.O. #26 Series 2004; G.O. #4 Series 2002; G.O. #32 Series 2000	
REFERENCE		RE-EVALUATION DATE	
CALEA 1.2.9; 12.2.1		5/12/2016	
SUBJECT AREA		DISTRIBUTION	
Law Enforcement Operations		All Personnel	

PURPOSE

The purpose of this policy is to reaffirm this Department's commitment to impartial, unbiased policing in all encounters between our officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect officers from unwarranted accusations of misconduct when they act within the dictates of the law and Department policy.

POLICY

The Providence Police Department prohibits its officers from engaging in bias-based profiling when executing any law enforcement activities, including but not limited to traffic stops/contacts, field contacts, and asset seizure and/or forfeiture efforts.

DISCUSSION

Members of this Department shall treat all persons fairly, and shall neither participate in nor condone the disparate treatment of groups or individuals as a result of bias-based profiling. Bias based profiling undermines legitimate law enforcement efforts and fosters distrust among the community members which we serve.

Persons shall only be stopped or detained when reasonable suspicion or probable Cause exists which indicates that they have committed, are committing, or are about to commit an infraction of the law. In making routine or spontaneous law enforcement

decisions, such as ordinary traffic stops, or while conducting activities in connection with a specific investigation, officers may never rely upon generalized stereotypes, attitudes, or beliefs about the propensity of any racial, ethnic, or national origin group to engage in unlawful activity.

This policy is not intended to preclude officers from engaging in enforcement obligations or community care-taking functions, such as taking action when observing a substance leaking from a vehicle or a person changing 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.

This policy shall not prohibit, as part of a criminal investigation, the use of a person's race, nationality, ethnicity, gender, sexual orientation, disability, religion, age, culture group, or association with any other identifiable group, or any combination of such factors, as a part of a specific description of a suspect, witness, or victim, when such information is relevant, reliable, and credible.

For the purpose of this policy, the following definitions shall apply:

Bias-Based Profiling – The detention, interdiction, or other disparate treatment of an individual based solely upon a trait common to a group for enforcement action. These traits include, but are not limited to, the individual's race, nationality, ethnicity, gender, sexual orientation, disability, religion, age, culture group, or association with any other identifiable group, or any combination of such factors.

Articulable Reasonable Suspicion – 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.

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 to apply for a search warrant to conduct a search of a person's home or property.

Field Interview/Contact - The brief detention of an individual, based upon reasonable suspicion, for the purpose of determining the individual's identity and resolving an officer's suspicions.

PROCEDURE

I. TRAINING

- A. Officers shall receive initial recruit and periodic in-service training in subjects that promote and encourage impartial policing. Applicable

training subjects may include, but are not limited to, courtesy, cultural diversity, and interpersonal communication skills.

- B. Recruit and in-service training programs shall also include the presentation of legal issues relating to the prohibitions against bias-based profiling, including but not limited to statutory and constitutional laws and issues relative to search and seizure, equal protection and civil rights laws.

II. PRACTICAL FIELD IMPLEMENTATION

- A. Officers shall, as necessary and professionally appropriate, utilize techniques and strategies aimed toward promoting impartial policing, including but not limited to:
 - 1. Being courteous, polite, and professional.
 - 2. Providing officers' names and agency information and explaining reasons for stops as soon as practicable, unless doing so compromises the safety of officers or others.
 - 3. Ensuring that the lengths of investigative detentions, field contacts, etc., are no longer than necessary to take appropriate actions.
 - 4. Answering questions citizens may have, including any options for dispositions of related enforcement actions.
 - 5. Explaining the credible, reliable, or relevant information that lead to stops or contacts when no enforcement options are taken'
 - 6. Requesting the presence of a supervisory officer to allow citizens to voice their field contact or enforcement related concerns.
 - 7. Explaining the agency's citizen complaint process when applicable.
- B. Officers are instructed not to abuse their discretion and selectively target specific groups and individuals based solely on their race or other illegitimate factors.
- C. Officers shall comply with R.I.G.L. 31-21.2-5 "Law Enforcement Practices", which states:

(a) Unless reasonable suspicion or probable cause of criminal activity exists, 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.

(b) 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 suspicion or probable cause of criminal activity exists.

(c) Any evidence obtained as a result of a search prohibited by subsection (a) or (b) shall be inadmissible in any judicial proceeding. Nothing contained herein shall be construed to preclude any search otherwise based upon any legally sufficient cause.

(d) Law enforcement agencies using video and/or audio surveillance cameras in their vehicles shall adopt written policies and procedures regarding the use of such cameras, which shall be public records.

(e) 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 officers.

III. MONITORING

A. Statewide Traffic Stop Data (Race Data) Collection

1. In an effort to comply with a series of impending legislative changes to RIGL 31-21.2 which comprise the “Comprehensive Racial Profiling Prevention Act of 2013”, the Department has installed the “Rhode Island Stop Survey Collector” software client on its mobile computer terminals.
2. The software is to be utilized when officers perform a vehicle stop, and its use is subject to the following guidelines:
 - a. Pedestrian stops do not require a race data collection record.
 - b. Officers shall not ask the motor vehicle operator for their race. Race determination is to be made independently by officers, based upon their individual perceptions.
 - c. Responding to a motor vehicle accident is considered a “Motorist Assist/Courtesy”, and as such, does not require a race data collection record unless it leads to a secondary action (e.g. citation, written or verbal warning, arrest, search).
 - d. The “Prior Record” option in the data collection module refers to whether or not the motor vehicle operator has a criminal record. In many cases officers will not know if such

a criminal record exists unless they possess personal knowledge of the operator.

- e. Officers will not select “Special Detail/Directed Patrol” unless the motor vehicle stop is conducted during a Neighborhood Response Team (NRT) effort. Thus, NRT-related stops are the only stops that will use the “Special Detail/Directed Patrol” option as “Basis for Stop”.
- f. Unless the stop is NRT-related, officers shall choose one of the following options as the “Basis for Stop”:
 - i. Speeding
 - ii. Seat Belt
 - iii. Other Traffic Violation
 - iv. Equipment/Inspection Violation
 - v. Violation of City/Town Ordinance
 - vi. Call for Service***
 - vii. APB
 - viii. Suspicious Person
 - ix. Motorist Assist/Courtesy***

*** Regarding the “Call for Service” and “Motorist Assist/Courtesy” options, race data collection records are only created during circumstances when a secondary action (e.g. citation, warning, arrest, search) is taken.

- g. Race data collection does not pertain to motor vehicle passengers. Thus, the “Passenger” tab shall not be used.

B. Supervisors shall monitor officers’ activities for any obvious or subtle signs of bias or improper selective enforcement or insensitivity. The Department will utilize proactive methods to ensure compliance with this policy. Examples of methods that may be employed include, but are not limited to:

- 1. Field Supervision
- 2. Training
- 3. Citizen Complaints

- 4. Early Warning System
- 5. Performance Evaluations

IV. COMPLAINTS OF BIAS-BASED PROFILING

- A. 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.
- B. Bias Based profiling complaints will be handled and investigated in accordance with General Order 130.01, entitled “Internal Investigations and Inspections Policy.”
- C. The Commanding Officer of the Office of Professional Responsibility shall ensure that a documented annual administrative review of the Department’s commitment to bias-based profiling is conducted. This shall include a review of agency directives and practices as well as citizen concerns relating to bias-based profiling.

V. CORRECTIVE MEASURES

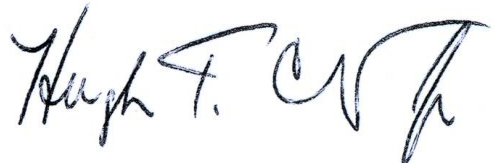
- A. Officers found to have violated the prohibition against bias-based profiling may be subject to corrective measures including, but not limited to, counseling, re-training, and/or disciplinary action up to and including dismissal.

APPROVED:



STEVEN M. PARÉ
COMMISSIONER
DEPARTMENT OF PUBLIC SAFETY

APPROVED:



HUGH T. CLEMENTS, JR.
COLONEL
CHIEF OF POLICE