



***Middletown Police Department***  
***123 Valley Road, Middletown, RI 02842***

<b>ORDER</b>	<b>EFFECTIVE DATE</b>	<b>NUMBER</b>	<b>ISSUING DATE</b>
<b>GENERAL</b>	<b>MAY 6, 2019</b>	<b>320.02</b>	<b>OCTOBER 30, 2006</b>
<b>SUBJECT TITLE</b>		<b>SUBJECT AREA</b>	
<b>IMPARTIAL POLICING</b>		<b>PATROL FUNCTIONS</b>	
<b>CALEA REFERENCE</b>		<b>PREVIOUSLY ISSUED DATES</b>	
<b>1.2.7, 1.2.9</b>		<b>10/30/06, 11/01/08, 10/24/11, 02/01/13</b>	
<b>DISTRIBUTION</b>	<b>REEVALUATION DATE</b>		<b>PAGES</b>
<b>ALL</b>	<b>ANNUAL</b>		<b>5</b>

**IMPARTIAL POLICING**

**I. PURPOSE**

The purpose of this order is to prevent and prohibit the practice of bias based profiling and other discriminatory practices in traffic stops, field contacts and asset seizure and forfeiture efforts by any member of the Middletown Police Department.

**II. 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 addition to respect for those human rights prescribed by law, Department officers will treat all persons with the courtesy and dignity that is inherently due every person. Officers will act, speak and conduct themselves in a professional manner, and maintain a courteous, professional attitude in all contacts with the public. In the absence of any specific report, the actual or perceived race, ethnic background, color, age, gender, sexual orientation, religion, economic status, cultural group or any other identifiable 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 Middletown Police Department.

### III. DEFINITION

- A. Bias Based Profiling:** is the arrest, detention, interdiction, or other disparate treatment of an individual on the basis of the race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group or other identifiable group of such individual, except when the 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.
- B. Reasonable suspicion:** Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. 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.

### IV. PROCEDURE

#### A. Prohibition of Racial Profiling

1. Bias based profiling of individuals is strictly prohibited by officers of the Middletown Police Department.
2. Stops or detentions based on race, age, gender, or sexual orientation or any other prejudicial basis by any member of the Middletown 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, Town Ordinances, or any combination thereof is prohibited.
4. Officers will not use actual or perceived race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group or other identifiable group of such individual as the sole basis for developing reasonable suspicion or grounds for a traffic or street 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 street stop.
6. When determining if reasonable suspicion for a stop, search or detention exists, or when developing probable cause for an arrest, officers may consider the factors above, 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. Asset seizure and forfeiture efforts will be based on violations of federal law, Rhode Island statutes or any combination thereof and shall not be motivated by race, color, ethnicity, age, gender, sexual orientation, religion, economic status or cultural group.

## **B. Training**

1. All officers will receive initial training when hired and annual training on the harms of bias-based profiling and discrimination, including legal aspects and a review of this policy.
2. Additional diversity and sensitivity training will be designated for officers with sustained bias based profiling or other sustained discrimination complaints filed against them in addition to possible disciplinary action.

## **C. Duties of Officers**

1. Any employee who believes there is, or is made aware of any violation of this Order, will immediately contact his/her immediate supervisor.
2. All complaints of bias based profiling or discriminatory practices will be investigated in accordance with the established internal affairs procedures.
3. Each supervisor will be responsible for continually monitoring and examining all officers under their direct supervision to ensure that officers' actions and activities adhere to this policy and to discover any indications of racial profiling or discriminatory practices.
4. Traffic enforcement, detention, and search procedures, will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness and lawfulness in conducting such activities.

## **D. Recording of Motor Vehicle Stops**

1. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the stop. The description of vehicle being detained, and the number of occupants and reason for the stop, may also be radioed when warranted. Communication Personnel shall log all pertinent information. All required reports and/or forms shall be completed by the officer upon completion of the stop.

Proper reports must be filled out by the officer for every motor vehicle stop, when required by statute or policy.

## **E. Detention and Search**

1. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, or a legally recognized exception to the warrant requirement.
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 articulable reasonable suspicion or probable cause of criminal activity.*
3. In each case where a search is conducted, this information shall be recorded in an incident report, including the legal basis for the search, and the results thereof. It is strongly recommended that consent searches only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate “consented to search but refused to sign”, inserting initials and the signature of any witness in the signature block.

## **F. Complaints of Profiling**

1. Any person may file a complaint with the department if they feel they have been stopped or searched based on racial, ethnic, or gender-based profiling.
2. Any person who tells an officer that they wish to file such a complaint shall be provided with the name of the officer’s immediate supervisor, and the telephone number of the Department. Any officer who is accused on scene of discrimination, racial profiling, an illegal stop, frisk, and/or search by any person, shall report the incident to the officer’s supervisor as soon as practical at the conclusion of the contact. Such accusations can often be prevented or mitigated by explaining to the motorist the reason for the stop.
3. Supervisors who receive official complaints shall follow departmental procedures as outlined in the general order 130.01 – Internal Complaint Review.
4. Supervisors shall review profiling accusations and complaints, formal or informal, that they are aware of against their subordinates. When backing up officers on vehicle stops and other calls, supervisors shall take appropriate action whenever it appears that this policy is being violated, and be alert to any pattern or practice of possible discriminatory treatment by officers.
5. The Chief of Police or his/her designee shall prepare a report regarding information on the complaints received by the Middletown Police Department and submit on an annual basis under uniform criteria established by the Select Commission on Race and Police-Community Relations. This data is currently collected under General Order 52.1. The information provided by the Middletown Police Department shall include the total number of complaints received, a breakdown by category of the type of complaint and a further breakdown by category of the disposition of the complaints.

## **G. Disciplinary Procedures**

1. Progressive discipline consistent with general order 130.07 - Disciplinary Procedures, will be implemented for non-compliance with this policy up to and including dismissal.
2. Failure to report any observed or known violations of this order by any member of the department will result in disciplinary action.

## **H. Administrative Review**

1. There will be a documented annual review of this order and department practices conducted by the Chief of Police, or his/her designee. The review will include concerns expressed by citizens.

**By order of:**



**Chief of Police**