



City of East Providence

DEPARTMENT OF POLICE

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CHIEF OF POLICE



General Order #	Effective Date	Section #	Issuing Date
G.O. 2019-23	August 11, 2019	330.15	August 8, 2019
Subject Title		Subject Area	
Bias-Based Policing		Law Enforcement Operations: Patrol Operations	
Previously Issued		RIPAC Standard	
Replaces General Orders: 2017-01 2009-53 & 2009-54 2006-05 2000-74		2.8	
Distribution		Re-evaluation Date	Pages
All Personnel		August 8, 2022	3

Per Order of:

Chief William C. Nebus
Chief of Police

SECTION# 330.15 – BIAS-BASED POLICING

I. PURPOSE:

The purpose of this policy is to unequivocally state that profiling of individuals based upon race, ethnicity, sexual orientation, disability, religious belief, age or gender by law enforcement personnel is expressly prohibited. This policy provides guidelines for sworn officers of the East Providence Police Department to prevent such occurrences and protects members when they act within the dictates of the law and policy from unwarranted accusations.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the constitutional right to be free from unreasonable searches and seizures by government agents.

This policy is intended to assist department 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:

In accordance with RI General Law (RIGL) 31-21.2 commonly known as the Comprehensive Community-Police Relationship Act of 2015 (previously known as the Racial Profiling Prevention Act of 2004), members of the East Providence Police Department are strictly prohibited from engaging in bias-based profiling activities with regard to any law enforcement efforts.

III. DEFINITIONS:

Bias-Based/Racial Profiling (As defined by RIGL 31.21.2-3): "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."

Articulate Reasonable Suspicion: Is based upon a specific articulable set of facts and circumstances that would 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 Stop and Frisk type search as defined in US Supreme Court decision in Terry vs. Ohio (392 US 1 (1968)) 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.

IV. DISCUSSION:

Members of the East Providence Police 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 whom 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.

V. TRAINING:

- A. Sworn members of the East Providence Police Department shall receive initial training in bias policing issues including legal aspects and refresher training at a minimum of once every three years.
- B. Periodic in-service training related to courteous policing practices, cultural diversity, and the laws governing search and seizure, and interpersonal communication skills that promote and encourage impartial and effective policing.
- C. Training programs for sworn members will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- D. On an annual basis, the prohibition against bias-based profiling will be reinforced to sworn officers using a variety of training modalities such as roll-call training or individual computer-based programs.

VI. BEST PRACTICES IN THE FIELD:

- A. All sworn officers of the East Providence Police Department 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 in all dealings with the public.
 - 2. Providing officers' names and agency information and explaining reasons for stops as soon as practicable, unless doing so may compromise the immediate safety of officers or others.
 - 3. Ensuring that the duration of investigative detentions, field contacts, etc., are no longer than are necessary to take appropriate actions.
 - 4. Answering questions that citizens may have, including any options for dispositions of related enforcement actions.
 - 5. Explaining the credible, reliable, or relevant information that lead to a stop or citizen contact 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 department's citizen complaint process when applicable.
- B. Officers are instructed not to abuse their discretion and selectively target specific groups and individuals based solely upon their race or other personal characteristics.
- C. Officers shall comply with RIGL 31-21.2-5 "Law Enforcement Practices", which states in part:
 - 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 that 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 subsections a or b above 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. 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.

VII. MONITORING:

- A. Supervisors shall monitor officers' activity for any obvious or subtle signs of bias or improper selective enforcement and insensitivity. The department will utilize proactive supervision to ensure compliance with this policy. Examples of methods that may be employed include but are not limited to the following measures:
 - 1. Field supervision.
 - 2. Training.
 - 3. IMC case activity/report review.
 - 4. Analysis of officer/unit activity.
 - 5. Citizen Complaint process.
 - 6. Early Intervention System.
 - 7. Traffic stop data collection.
 - 8. Performance Evaluations.
 - 9. Opinion surveys.

VIII. COMPLAINTS OF BIAS-BASED PROFILING:

- A. Any person may file a complaint with the East Providence Police Department if they feel that they have been stopped or searched on the basis of racial, ethnic, or gender-based profiling. 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 processed and investigated in accordance with section 130.01 of the East Providence Police Department Manual of Policies and Procedures, entitled "Office of Professional Standards Complaint Procedure."
- C. The Chief of Police or his/her designee shall ensure that a documented annual administrative review of the department's commitment to impartial policing is conducted. This shall include a review of department directives and practices as well as citizen concerns relating to bias-based profiling.

IX. CORRECTIVE MEASURES:

- A. Adherence to this policy will be mandated by consistent and continual supervision.
 - B. Sworn officers found to violate the prohibition against bias-based profiling will be subject to appropriate disciplinary action by the department.
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