



Rhode Island State Police

General Order - 56A8

<i>Section:</i>	Law Enforcement Operations - Field Operations
<i>Article:</i>	56A - Traffic - Enforcement
<i>Title:</i>	Prohibition Against Bias-Based Policing
<i>Special Instructions:</i>	

I. PURPOSE

The purpose of this policy is to unequivocally state that bias-based policing utilizing race, ethnicity, sexual orientation, disability, religious belief, age, or gender in law enforcement operations is expressly prohibited. This policy will provide guidelines to prevent such occurrences and outline procedures for disparate treatment complaint investigation. This policy will assist members in accomplishing the Division's mission while respecting the dignity of all persons.

II. DEFINITIONS

- A. **BIAS BASED POLICING** - The detention, selection, interdiction, or other disparate treatment of any person on the basis, in whole or in part, of the race, ethnicity, sexual orientation, disability, religious belief, age, or gender of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose afore-mentioned status is part of the description of the suspect, which description is timely and reliable.
- B. **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.
- C. **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.
- D. **FIELD INTERVIEW/CONTACT** - The brief detention of an individual, whether on foot or in a vehicle, based upon reasonable suspicion for the purpose of determining the individual's identity and resolving an officer's suspicions.

III. POLICY

Members are strictly prohibited from engaging in bias-based policing activities with regard to any law enforcement efforts, including traffic contacts.

It is the policy of the Division that all citizens shall be treated equally, and members will not participate in, nor condone, the disparate treatment or bias-based policing based on race, ethnicity, sexual orientation, disability, religious belief, age, or gender. Bias based policing undermines legitimate law enforcement efforts and fosters distrust among the community

The use of biased-based profiling as the reason for stopping or searching motorists for routine traffic stops is strictly prohibited. Race or ethnicity shall not be used, in whole or in part, as the reason for stopping or searching motorists on the public highways except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose race or ethnicity is part of the description of the suspect.

This policy shall not prohibit, as part of a criminal investigation, the use of an individual's race, nationality, ethnicity, gender, sexual orientation, disability, religion, or any combination of such factors as a part of a specific description of a suspect, witness, or victim.

IV. PROCEDURES

- A. Stopping and approaching Traffic Violators shall be conducted in accordance with General Orders 56A1 - Traffic Enforcement and 56A2 - Motor Vehicle Stop Procedures (Safety).
- B. All members are instructed not to abuse their discretion and selectively target specific groups and individuals based solely on their race or other illegitimate factors.
- C. Members shall comply with R.I.G.L. 31-21.2 "Comprehensive Community-Police Relationship Act of 2015."
 - 1. No motor vehicle stopped will be detained beyond the time needed to address the traffic violation unless either reasonable suspicion or probable cause for criminal activity exists.
 - 2. Ensure the lengths of traffic stops, investigative detentions, field contact, etc., are no longer than necessary to take appropriate actions.
 - 3. No operator or passenger of a stopped motor vehicle shall be requested to consent to a search of his/her motor vehicle, which is stopped solely for a traffic

violation unless there exists reasonable suspicion or probable cause of criminal activity.

4. No pedestrian, bicycle operator, or juvenile shall be requested to consent to a search of his/her person unless there exists reasonable suspicion or probable cause of criminal activity.
5. Any evidence obtained as a result of a search prohibited by (3) and (4) above may be challenged and ruled inadmissible in any judicial proceeding.
6. With the exception of operators who are subject to federal motor carrier regulations, no operator of a motor vehicle shall be requested to provide any documentation or identification other than a driver's license, motor vehicle registration, and/or proof of insurance.

V. TRAINING

- A. Members shall receive initial recruit and annual in-service training in subjects that promote and encourage impartial policing. Applicable training subjects may include but are not limited to officer safety, courtesy, cultural diversity, interpersonal communication skills, and such legal aspects as search and seizure, constitutional and case law.
- B. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion and police action.

VI. MONITORING/SUPERVISION

- A. Supervisors shall monitor members' activities for any obvious or subtle signs of bias or improper selective enforcement or insensitivity. The Division will utilize proactive methods appropriate to resources and community characteristics 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. IMC case activity/report review
 4. Analysis of member/unit activity
 5. Citizen Complaint process
 6. Early Warning System
 7. Traffic stop data collection
 8. Performance Evaluations
 9. Opinion surveys

- B. Adherence to this policy will be mandated by consistent, on-going supervision.
- C. Corrective Measures - Members found to violate the prohibition against bias-based policing may be subject to corrective measures to include, but not limited to, counseling, re-training, disciplinary action, and/or dismissal.

VII. DATA REPORTING/ANALYSIS

- A. The Division will record, collect, and report routine traffic stop data in accordance with R.I.G.L. 31-21-2.6 (d) (c) and (j) Continued Data Collection.
- B. The OIC - Professional Standards shall conduct an annual administrative review of the Division's policies and practices to include citizen concerns relating to bias-based policing to examine and ensure the Division's commitment to impartial policing.

VIII. PROVISIONS

- A. Any person may file a complaint with the Division if they feel they have been stopped or searched based on any prohibited bias. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- B. This policy is not intended to preclude members from engaging in community caretaking functions, such as observing a substance leaking from a vehicle or 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.
- C. Any employee contacted by a person who wishes to file such a complaint shall complete the *RISP Complaint Form*, in accordance with General Order "3C" entitled, "*Internal Investigation Procedure Policy*."



By Order of Colonel Manni

James M. Manni
Colonel
Superintendent