

Central Falls Police Department

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ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
General	August 6, 2015	220.26	February 23, 2022
SUBJECT TITLE		SUBJECT AREA	
IMPARTIAL POLICING POLICY		Law Enforcement Operations	
CALEA REFERENCE		PREVIOUSLY ISSUED DATES	
1.2.9		August 26, 2003, August 6, 2015, December 22, 2015, April 2, 2018, September 24, 2020	
DISTRIBUTION	REEVALUATION DATE	PAGES	
All	As Necessary	7	

IMPARTIAL POLICING POLICY

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 is expressly prohibited. The purpose of this policy is to provide guidelines for members in order to prevent such occurrences and to provide appropriate guidelines and procedures for the investigation of complaints of disparate treatment of individuals at traffic stops or other encounters to protect individuals from bias based policing and protect members when they act within the dictates of the law and policy from unwarranted accusations. It is also the intent of this policy to adhere to the contents of [RIGL Chapter 31-21.2 et seq.](#), “Comprehensive Community- Police Relationship Act of 2015”.

This policy is intended to assist 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 law breakers that if they break the law, they should expect to be held accountable.

II. POLICY

Members are strictly prohibited from engaging in bias based policing activities with regard to any law enforcement efforts – including traffic contacts, field contacts, asset seizure and forfeiture efforts. It is the policy of the Central Falls Police Department 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, gender, gender identity or gender expression. Bias based policing undermines legitimate law enforcement efforts and fosters distrust among the community it serves. Citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit an infraction of the law.

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. This policy is not intended to preclude members from engaging in community care-taking 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.

III. DEFINITIONS

- A. 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.

- B. 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.

- C. COMPUTER-AIDED DISPATCH (CAD) – An electronic system, used by public safety agencies to facilitate intent response and communications in the field, that electronically records information on call taking, dispatching, location verification, mapping, and other functions for public safety.

- 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.

- E. INVESTIGATORY ACTIVITY – Any traffic stop, pedestrian stop, interview, interrogation, detention, frisk, pat-down, Terry frisk, Terry pat-down, or any search of a person or property.

- F. 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.

IV. PROCEDURES

A. Prohibition of Racial Profiling

1. Bias based profiling of individuals is strictly prohibited by officers of the Central Falls Police Department.
2. Stops or detentions based on race, age, gender, or sexual orientation or any other prejudicial basis by any member of the Central Falls Police Department are prohibited. This prohibition includes field contacts and asset seizures or forfeitures efforts.
3. The detention of any individual, which is not based on factors related to a violation of federal law, Rhode Island statutes, City Ordinances, or any combination thereof, is prohibited.
4. Officers will not use actual or perceived race, ethnic background, age, gender, sexual orientation, gender expression, gender identity, 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 pedestrian stop.
6. Articulate reasonable suspicion or probable cause which leads to any search of a motorist, vehicle, or pedestrian must be documented in one of the following computer generated reports:
 - a. Arrest Report
 - b. Incident Report
 - c. Field Interview Report
7. A search of a motorist, passenger, vehicle or pedestrian conducted by an officer shall be documented in a computer generated police report in the agency's Records Management System (RMS) (i.e. Arrest Report, Field Interview Report, or Incident Report). The report must include the following information:
 - a. Date, time and location of stop/search
 - b. The articulable reasonable suspicion or probable cause leading to the search
 - c. The race, age, and gender of the individual(s) searched.
 - d. The results of the search, the seizure of any contraband (including money) and any applicable property numbers.
8. 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 (or other applicable registration or rental agreements), and/or proof of insurance when the motor vehicle has been stopped solely for a traffic violation, unless there exists articulable reasonable suspicion or probable cause of criminal activity or the operator has failed to produce a valid driver's license.
9. When determining if articulable 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.

10. 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, gender identity, gender expression, religion, economic status or cultural group.

B. Members shall comply with [RIGL §31-21.2-5 “Law Enforcement Practices](#)

1. No motor vehicle stopped will be detained beyond the time needed to address the traffic violation unless either articulable reasonable suspicion or probable cause for criminal activity exists.
2. 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 is articulable reasonable suspicion or probable cause of criminal activity.
3. Consent to search of a vehicle or person may not be requested from any juvenile. This does not prohibited a "Search incident to arrest" or a search based on articulable reasonable suspicion or probable cause of criminal activity in accordance with [RIGL §31-21.2-5 “Law Enforcement Practices](#).
4. Nothing contained 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 or the safety of the public may be jeopardized.
5. Use of mobile data terminals (MDTs) in police vehicles shall be governed by [General Order 400.06](#), the Mobile Data Terminals Policy, and shall be in accordance with state and federal guidelines related to the use and access of Rhode Island Law Enforcement Telecommunication System (RILETS) and the National Criminal Identification Center (NCIC). Officers may utilize the MDTs to initiate record checks on a motor vehicle license or registrant for law enforcement related purposes only. All information obtained via the MDT will be treated as **CONFIDENTIAL** and used for authorize law enforcement or criminal justice purposes only.

C. Traffic Stop Data Collection

1. Law enforcement officers shall advise any motorist who is stopped of the reason for the stop.
2. Every stop of a motor vehicle and any subsequent search must be documented in a racial profile data entry screen in the CAD system in addition to any other aforementioned required reports. The following information shall be recorded in the racial profile data entry screen of the CAD system:
 - a. The identity of the officer conducting the stop.
 - b. The date and time of the stop.
 - c. The reason type for the stop (violation, investigatory, or motorist assist).

- d. The race or ethnicity, age/date of birth, and gender/gender expression/gender identity of any motor vehicle operator stopped. Officers shall not ask anyone for their race, race determination is to be made independently by officers, based upon their individual perceptions.
 - e. The basis of the stop.
 - f. The result of the stop.
 - g. The duration of the stop.
 - h. Whether a prior record of the motorist was checked and the residency of the motorist.
 - i. The type of roadway.
 - j. Whether a search or frisk was conducted, and if consent was requested.
 - k. The reason for any search, the scope of the search, and the result of the search. This search information must be further detailed in an appropriate aforementioned report, in addition to the race data entry requirement.
3. Responding to a motor vehicle accident is considered a “Motorist Assist”, and does not require a race data entry unless it leads to a secondary action (i.e. citation, arrest, or search).
 4. The “prior record” option of the race data entry collection screen of the CAD system refers to whether or not the motor vehicle operator has a criminal record, if checked by an officer during the stop.

V. TRAINING

- A. Sworn members shall receive initial recruit training and annual training in subjects that promote and encourage impartial policing. Applicable training subjects may include, but are not limited to the affect bias can have on police activities and decision making, such as field contacts, traffic stops, searches asset seizure and forfeiture, and interviews and interrogations.
- B. Training programs will emphasize the corrosive effects of bias based policing on individuals, the community and the agency.

VI. SUPERVISOR RESPONSIBILITIES AND MONITORING

- A. Supervisors shall monitor members’ activities for any obvious or subtle signs of bias or improper selective enforcement or insensitivity. The Department 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. RMS/CAD 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
- B. Shift Commanders shall ensure a monthly review is conducted on each officer's stop and search documentation and data results.
1. The review shall ensure compliance with all departmental policies and procedures, which include prohibitions and documentation requirements.
 2. This review will be documented monthly and will be forwarded to the Captain of the Patrol Operations Division.
- C. On a quarterly basis, the Office of Professional Standards and Training or designee will complete a summary report of the monthly data, which will be retained by the Captain of the Administrative/Investigative Division.

VII. CORRECTIVE MEASURES

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

VIII. PROVISIONS

- A. Any person may file a complaint with the Agency 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. Any employee contacted by a person who wishes to file such a complaint, shall complete the Standardized Complaint Form, in accordance with [General Order 130.01](#), the Internal Complaint Review Policy.
- C. The Office of Professional Standards and Training shall conduct, on at least an annual basis, an administrative review of the Agency's policies and practices to include citizen concerns relating to bias based policing to examine and ensure the Central Falls Police Department's commitment to impartial policing.

IX. DISCIPLINARY PROCEDURES

- A. Progressive discipline consistent with [General Order 130.05](#), the Disciplinary Procedure Policy, will be implemented for non-compliance with this policy up to and including dismissal.
- B. Failure to report any observed or known violations of this Order by any member of the Department will result in disciplinary action.



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