BIASED BASED PROFILING

In Effect: 10/16/2008  Review Date: 10/16/2009 @ 1317

UNIVERSITY OF RHODE ISLAND POLICE DEPARTMENT

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I. PURPOSE

The purpose of this policy is to inform all members of this department that profiling based solely on race, gender, ethnicity, sexual orientation, religion, or age is strictly prohibited. Additionally this department will engage in the process of recording race data for all traffic stops conducted by URI police officers. It is further the intent of this policy that all officers adhere to the regulations contained in the Racial Profiling Act of 2004 (RIGL 31-21.2), and any future amendments to this statute.

I. POLICY

It is the policy of the University of Rhode Island Police Department that biased based policing by its officers is strictly prohibited. This policy not only relates to motor vehicle stops, but to all other

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activities, including but not limited to, investigations, field contacts, and asset seizure and forfeiture efforts. Biased based profiling has an adverse impact on the relationship between the department and the university community. It can undermine legitimate law enforcement activities and foster an atmosphere of distrust. Officers will only stop and detain individuals where reasonable suspicion exists that the individual being detained has committed, is committing, or is about to commit an infraction of law or university policy. In every situation officers will conduct themselves in a professional and courteous manner.

III DEFINITIONS

1. Bias Based Profiling – The detention, interdiction, or other disparate treatment of an individual on the basis, in whole or part, of the racial or ethnic status of such individual, except when 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, which description is timely and reliable.

2. Articulable/reasonable suspicion – It is based on a specific, articulate set of facts and circumstances that leads a law enforcement officer to believe criminal activity is involved and these 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.

3. 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 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 home or a person’s property.

IV PROCEDURES

Officers of the University of Rhode Island Police Department, on a daily basis, endeavor to provide a safe environment to a very diverse campus community. Developing positive relations with members of the community is an important step toward attaining the department’s objectives. Racial or bias based profiling can and will erode the trust between the police and the community. Officers will not stop individuals or engage in other activities based solely on an individual’s race, religion, nationality, gender, sexual preference, age, or disability. However these factors may be considered when combined with specific facts regarding a specific incident.

Motor Vehicle Stop:

Traffic stops are one of the most common areas where claims may be made regarding bias based policing. Officers should understand that individuals who perceive that they are the victim of racial or other bias based profiling, even if not the case, may experience fear, anxiety, anger, humiliation, and resentment. An officer’s demeanor can play an important role in the perception of the individual stopped.

When conducting a traffic stop the officer should utilize the following when interacting with the
motorist;

- The officer will identify himself/herself to the motorist, stating their name and department.
- The officer will explain the reason for the stop. In an attempt to depersonalize the contact, the officer will refer to the actions of the vehicle as opposed to the driver whenever possible.
- If the stop was for a traffic or equipment violation the officer will ask if there is any valid reason for the violation.
- The officer will request the operator to identify where their license, registration, and insurance certificate are located. Once this information is given the officer will request the motorist retrieve each of these documents in the order of the direction given by the officer.
- Once the documents are received by the officer he/she will advise the operator that they are returning to the police vehicle to review the documents. A request will be made for the motorist and any passengers to remain in the vehicle.
- Should the officer decide to issue a citation, once completed he/she will explain the procedure to the motorist and request the citation be signed by the violator in the appropriate location. Should the motorist refuse to sign the summons, the officer will write “refused to sign” in the appropriate field. The offender copy will then be given to the motorist.
- When the interaction is complete the officer will assist the motorist back into traffic. This will ensure the safety of not only the vehicle stopped, but other traffic and pedestrians on the roadway.

The above procedures should serve as a guide to the officer conducting a traffic stop. It is fully recognized that circumstances, such as drivers suspected of operating a vehicle while under the influence, wanted or combative subjects, or criminal violations, may dictate a deviation from this procedure.

Documentation of Racial Profiling Data:

Subsequent to the traffic stop it will be the officer’s responsibility to enter the citation data (if any) and the racial profiling data into the IMC system. This will be done through the Citation Entry under the Traffic field in the IMC Records system. If an officer has issued the operator a citation, all of the screens, including the Profile screen, will be completed. If a citation wasn’t issued, the officer is to press the spacebar, which will reveal “new” in the cit # box, enter the call number of the traffic stop, and complete the citation and profile screens only. Officers should be sure not to enter this information more than one time, even if an operator is charged with several violations. Entering racial profiling data is only required for motor vehicle stops. Motorist assists or accidents do not require this information, even if a citation is issued.

When entering this data the officer will need to enter the date and time of the stop and the following stop specific details under the Traffic Stop Details section:

- Reason for Stop
- Basis for the Stop
- Operator Race
- Operator Sex
- Residency
• D.O.B.
• Registration of Vehicle
• # of Occupants
• Result of Stop
• Duration
• Road
• Plate Type
• Prior Record

Additional information will be required in the event that the stop results in a search or a frisk. The fields concerning Reason, Search/Frisk, and Result will be completed. Officers are reminded that under Rhode Island General Law 32-21.2-5 (b) reasonable suspicion or probable cause are required for a motor vehicle search to be conducted. Officers will not ask for consent to search without the existence of either of these standards.

Supervisory Duties:

All supervisors will ensure that the racial profile data is completed for every applicable motor vehicle stop. Additionally the department’s administrative and supervisory staff will review the data periodically in an attempt to identify any possible areas of concern.

Any individual who feels that he/she may be the subject of racial or bias based profiling may make a complaint with the University of Rhode Island Police Department. The complaint may be made to any supervisor. The supervisor receiving the complaint will discuss the situation with the reporting party. If the supervisor is unable to satisfactorily address the concerns of the complainant, then the matter will be forwarded to the Major. The Major will refer the case to the appropriate investigating officer. In any case the supervisor receiving the complaint will document same and submit a written report to the Major. No person wishing to file a complaint alleging racial or bias based profiling will be dissuaded, discouraged, coerced or intimidated from submitting their complaint. All will be investigated consistent with the department’s internal investigation procedures.

V RESPONSIBILITY

It will be the responsibility of all officers to fully comply with this order. Failure to do so may result in disciplinary action.

This order will be effective immediately.

Per order of,

Major Stephen Baker