



CUMBERLAND POLICE DEPARTMENT

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	April 2, 2021	320.01	April 2, 2021
SUBJECT TITLE		SUBJECT AREA	
IMPARTIAL POLICING	PATROL FUNCTIONS		
CALEA REFERENCE		PREVIOUSLY ISSUED DATES	
1.2.9	10/10/02, 12/27/03, 10/5/04,11/05 12/06, 12/07, 10/08		
DISTRIBUTION	REVIEW DATE		PAGES
ALL	March 2022		6

MUTUAL RESPECT IN POLICING

I. PURPOSE

The purpose of this Order is to prevent and prohibit the practice of bias based profiling and other discriminatory practices by any member of the Cumberland 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 Cumberland Police Department.

III. DEFINITION

Bias Based Profiling is the detention, interdiction, or other disparate treatment of an individual on the basis, in whole or part, of the racial, ethnic status, age, gender, sexual orientation, religion, economic status, cultural group or other identifiable group 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, when the description is timely and reliable..

Articulate/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 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. 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. A frisk (i.e., terry rule) may be appropriate under this definition.

Probable cause: Is 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 person's property.

IV. PROCEDURE

- 1) Prohibition of Racial Profiling
 - a) Bias based profiling of individuals is strictly prohibited by officers of the Cumberland Police Department.
 - b) Stops or detentions based on race, age, gender, or sexual orientation or any other prejudicial basis by any member of the Cumberland Police Department are prohibited. This prohibition includes field contacts and asset seizures or forfeitures efforts.
 - c) 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.
 - d) 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.
 - e) Officers must be able to clearly articulate the specific police or public safety purpose of any traffic or street stop.

- f) 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.
- g) 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.

2) Training

- a) All Police Department officers will receive initial training and then annual training on the harms of bias-based profiling and discrimination, including legal aspects and a review of this policy.
- b) 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.

3) Duties of Officers

- a) Any employee, who believes there is, or is made aware of any violation of this Order, will immediately contact his/her immediate supervisor.
- b) All complaints of bias based profiling or discriminatory practices will be investigated in accordance with the established internal affairs procedures.
- c) 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.
- d) 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.

4) Recording of Motor Vehicle Stops

- a) 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, 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.

5) IMC Mobile Terminal Motorist Data Collection

- a) Police Officers of the Cumberland Police Department shall complete a racial profile vehicle entry after each vehicle stop to include the following information:
- (1) The race or ethnicity, gender and approximate age of the driver stopped, provided that the identification of such characteristics shall be based upon the observation and perception of the police officer making the stop and the information shall not be requested of the person stopped.
 - (2) The reason for the stop.
 - (3) Number of occupants.
 - (4) Basis for the stop.
 - (5) Outcome of the stop (whether any warning or citation was issued as a result of the stop)
 - (6) The approximate duration of the stop.
 - (7) Whether a search was instituted as a result of the stop.
 - (8) Whether a frisk was instituted as a result of the stop.
 - (9) Scope of the Search/Frisk.
 - (10) Whether an arrest was made as a result of either the stop or search.
 - (11) Whether the search was conducted pursuant to Incident to arrest, “Terry” frisk, plain view contraband, probable cause, odor of drugs/alcohol, inventory/tow or reasonable articulable suspicion to suspect a crime.
 - (12) Whether Consent Requested.
 - (13) Whether any contraband, including money, was seized during the course of the search, and if so, the nature of the contraband.

6) Completion of Required Reports and Forms

The IMC mobile data collection entry, racial profiling, will be completed by the officer for every motor vehicle stop and/or motorist assist. The failure to complete any required forms, computer entry, and/or the deliberate recording of any misleading information related to the reason for the stop, and/or the actual or perceived race, ethnicity, gender, or age of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action.

Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. Police reports shall indicate the reason for the stop.

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

7) **Detention and Search**

- a) 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.

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 particularly reasonable suspicion or probable cause of criminal activity.

- b) All vehicles searched due to probable cause or reasonable suspicion with consent requires the authorization of a supervisor. If a road supervisor is available they will respond to the scene. If no road supervisor is available to respond, the O.I.C. may authorize the search by either having a senior patrol officer respond to the scene and/or having the requesting officer articulate their probable cause or reasonable suspicion via channel 2 or telephone. The above does not apply to searches incident to arrest, inventory searches or Terry frisks.
- c) 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.

8) **Complaints of Racial/Ethnic Profiling:**

- a) 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.
- b) 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.
- c) Supervisors who receive official complaints shall follow Departmental procedures as outlined in the General Order pertaining to the Citizen Complaint Process. 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, and 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.

- d) The Chief of Police or his designee shall prepare a report regarding information on the complaints received by the Cumberland Police Department and submit on an annual basis under uniform criteria established by the Select Commission on Race and Police-Community Relations. The information provided by the Cumberland 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.

9) Disciplinary Procedures

- a) Progressive discipline consistent with, 130.02 Disciplinary Procedures 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.

10) Administrative Review

- a) There will be an annual review of this Order and department practices conducted by the Chief of Police, or his designee. The review will include concerns expressed by citizens.

By Order of:



John R Desmarais
Chief of Police