

# **MIDDLEBURY POLICE DEPARTMENT**

## **POLICY & PROCEDURE**

TITLE:	<b>BIAS-BASED PROFILING</b>	PROCEDURE: <b>10.1</b>
EFFECTIVE:	<b>May 8, 2017</b>	REVISED:
POST-C STANDARD:	<b>1.1.12</b>	REVIEW: <b>ANNUAL</b>
AUTHORIZED BY:	<b>CHIEF FRANCIS DABBO</b>	

### **I. PURPOSE:**

- The purpose of this policy is to establish a prohibition against bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts.

### **II. DEFINITIONS**

A “traffic stop” is defined as any time an officer initiates contact with a vehicle resulting in the detention of an individual and/or vehicle. Stops made as part of a checkpoint or spot check enforcement are considered officer initiated if contact with the operator is extended for any purpose. A traffic stop does not include providing assistance to a motorist, all contacts arising from traffic crashes or in cases where an officer initiates contact with a vehicle that has been linked to a specific incident, whether based on a motor vehicle or criminal complaint. By law data must be recorded for all traffic stops, unless the police officer was required to leave the location of the stop in order to respond to an emergency or due to some other exigent circumstances within the scope of such police officer’s duties.

“Race and Ethnicity” means of a particular descent, they are defined as: American Indian/Alaskan Native, Asian/Pacific Islander, Black, Hispanic, Middle Eastern and White.

“Racial profiling” means the detention, interdiction, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

“Biased Policing” is the consideration of race/ethnicity in carrying out law enforcement activities.

### **III. POLICY:**

It is the policy of this department to respect the rights of all persons. As such, this department will work diligently to ensure the following:

**A.** Officers shall not engage in racial profiling or take any law enforcement action against an individual based solely on the race, color, ethnicity, gender, age or sexual orientation of the individual except when credible, relevant information links a person or people of a specific race/ethnicity to a specific unlawful incident, or to specific unlawful incidents, criminal patterns, or schemes (i.e. a robbery suspect is identified and law enforcement is looking for a specific vehicle and individual.)

**B.** This policy shall not preclude officers from stopping a person to offer assistance for a motor vehicle that is disabled or someone who appears to be ill, lost or confused. Such incidents shall be recorded as an “assist” rather than a “motor vehicle investigation.”

### **IV. PROCEDURE:**

### **Field Officer Responsibilities**

10.1.1. Members of this law enforcement agency, whether sworn, civilian, or volunteer, shall:

- A. Treat every person with courtesy and respect and will conduct all law enforcement duties in a professional manner.
- B. Conduct all motor vehicle stops, detentions, investigative activities, or arrests in accordance with constitutionally accepted practices.
- C. Upon initial contact, provide his or her full name, jurisdiction, and the reason for the motor vehicle stop as soon as practical, unless providing this information will compromise officer or public safety.
- D. Ensure that the detention is no longer than reasonable to take appropriate action for the known or suspected offense.
- E. Explain the disposition of the stop.
- F. Provide the driver of the motor vehicle with a written notice of his or her rights at the conclusion of all traffic stops, regardless of the disposition of that stop, pursuant to Public Act 12-74. The Training Officer shall be responsible for obtaining these forms and for distributing them to police personnel.
- G. It is recommended that officers report allegations of racial profiling to their supervisor.

### **Supervisor Responsibilities**

10.1.2. Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this guideline and are operating in compliance with the procedures herein.

10.1.3. When possible, supervisors shall be responsible for making contact with any known complainant alleging biased law enforcement practices by his or her field officers, and documenting same in writing using departmentally approved forms. The citizen complainant shall be provided the Department's Citizen Complaint Form if so desired. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explaining the department's guideline and in particular the investigative process. (Reference Policy/Procedure 6.1 "Internal Affairs and Citizen Complaints" for more information).

10.1.3. Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:

- i. Evaluate, provide a written report, and process each complaint form alleging biased law enforcement practices to the Chief of Police as soon as practicable.
- ii. This evaluation shall include all written reports, enforcement action and video recordings (if applicable).

### **Allegations of Biased Policing**

10.1.4. All allegations of biased law enforcement practices shall be investigated by the department in a consistent manner.

10.1.5. A copy of each complaint received by the law enforcement agency and a written notification of the review and disposition of such complaint shall be provided to the Chief State's Attorney and the Office of Policy and Management Criminal Justice Division. No copy of such complaint shall include any other identifying information about the complainant such as the complainant's operator's license number, name or address.

## **Departmental Review**

10.1.6. The assigned Sergeant shall review information produced by the Office of Policy and Management and any complaints filed. The assigned Sergeant shall report his/her review of this information to the Chief of Police in a timely manner.

10.1.7. Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, in a timely manner.

## **Documentation and Record Keeping**

10.1.8. Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic shall document the stop with the following information in the Department's Records Management System (RMS), which shall be included in addition to any other information documented by the officer. It is important to note that the identification of the below-listed characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped:

- a. Date
- b. Time
- c. Geographic Location
- d. Officer identifying number
- e. Race
  - i. W—White
  - ii. B—Black
  - iii. I—Indian American/Alaskan Native
  - iv. A—Asian/Pacific Islander
- f. Ethnicity
  - i. H- Hispanic
  - ii. M- Middle Eastern
- g. Age
- h. Gender (Male, Female)
  - i. Nature of stop
  - i. I—Investigation, Criminal
  - ii. V—Violation, Motor Vehicle
  - iii. E—Equipment, Motor Vehicle
- j. Statutory citation for stop
- k. If different, statutory citation resulting from stop
- l. Result of the Stop
  - i. U—Uniform Arrest Report
  - ii. M—Misdemeanor Summons
  - iii. I—Infraction Ticket
  - iv. W—Written Warning
  - v. V—Verbal Warning
  - vi. N—No Disposition
- m. Resident of the municipality where the stop occurred
- n. Connecticut resident
- o. Enforcement Category
  - i. General Enforcement
  - ii. Blind Enforcement (radar, LPR, etc...)
  - iii. Spot Check (Seat Belt, DUI, other checkpoints, etc...)
- p. Search Conducted (Yes/No)

- q. Authority for Search
  - i. Consent
  - ii. Inventory
  - iii. Other
- r. Contraband and or evidence discovered (Yes/No)
- s. Custodial Arrest Made (Yes/No)
- t. Duration of Stop (0-15 minutes, 16-30 minutes, over 30 minutes)
- u. Towed (Yes/No)

10.1.9. Every month the records clerk will compile the above information and submit to OPM.

### **Training**

10.1.10. Training shall be in compliance with state law. This training shall include:

- i. Training of all current and future agency employees as to this guideline and the statutory prohibition against biased policing;
- ii. In-service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;

10.1.11. Further, training shall be planned and completed in compliance with the standards designed by the State Police and Police Officer Standards and Training Council (POSTC).

### **Retaliation**

10.1.12. No member of this law enforcement agency, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, volunteers or complainants for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.

10.1.13. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to discipline.

### **Public Inspection**

10.1.14. A copy of this policy shall be posted on the Town's website, [www.middleburypolice-ct.org](http://www.middleburypolice-ct.org) for public inspection.

### **Application**

10.1.15. This policy constitutes agency guideline and is not intended to enlarge the employee's existing civil or criminal liability in any way. It shall not be construed as the creation of an additional cause of action by either the employee or any third party.