



## Rhode Island Airport Corporation

<b>Rhode Island Airport Corporation Police Department General Order 100.02</b>	
<b>Law Enforcement Operations</b>	
<b>SUBSECTION: Administration</b>	<b>POLICY NAME: Anti -Biased Based Profiling</b>
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<b>PREVIOUSLY ISSUED:</b>	<b>Joseph C. Ottaviano Chief of Police</b>

### I. PURPOSE

The purpose of this policy is to unequivocally state that profiling based solely on 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 officers to prevent such occurrences and to provide appropriate guidelines and procedures for the investigation of complaints of disparate treatment of citizens at either traffic stops or other citizen-police encounters that will be fair to both citizen and officer. It will be the intent of this policy to abide to the Comprehensive Community – Police Relationship Act of 2015 Rhode Island Public Laws, Chapters 214 and 235.

### II. POLICY

It is the policy of the Rhode Island Airport Corporation Police Department that all members are strictly prohibited from engaging in racial/biased policing activities with regard to any law enforcement efforts – including but not limited to traffic contacts, field contacts, asset seizure, and forfeiture efforts.

Members of this department will ensure that all citizens shall be treated fairly and will neither participate in, nor condone, the disparate treatment or policing based solely on race, ethnicity, sexual orientation, disability, religious belief, age, or gender. Biased policing undermines legitimate law enforcement efforts and fosters distrust among the community it serves. Citizens will only be stopped or detained when there exists a reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, or while conducting activities in connection with a specific investigation, officers

may never rely on generalized stereotypes, attitudes or beliefs about the propensity of any racial, ethnic, or national origin group to engage in unlawful activity.

Officers may not consider race or ethnicity of a person in the course of any enforcement action unless the officer is seeking to detain, apprehend, or otherwise be on the lookout for a specific suspect sought in connection with a specific crime that has been identified or described in part by race or ethnicity.

Officers shall not consider race/ethnicity to establish reasonable suspicion or probable cause except that officers may take into account the reported race/ethnicity of a potential suspect(s) based on trustworthy information, relevant to the locality or time frame that links a persons of particular race or ethnicity to an identified criminal incident.

This policy is not intended to preclude officers 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. Biased Policing – 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.
- B. Articulate/reasonable suspicion – It is based on a specific, articulable set of facts and circumstances that leads a law enforcement officer to believe criminal activity is happening or about to happen 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. 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 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. DISCUSSION**

- A. Municipal and state law enforcement officers play a vital role in protecting the public from crime. Traffic crashes are a leading cause of death, injury, and

property damage to innocent persons. Citizens consistently cite traffic violations in neighborhoods as a major community policing concern. Aggressive driving and road rage are rated in public opinion surveys as a major concern of the traveling public on our highways. The Department of Homeland Security depends on the observations of police officers because persons who are planning to damage critical infrastructure or who are intending to undertake other terrorist acts generally travel to the scenes of their crimes by motor vehicle, often conducting target surveillance months or even years in advance. Active, visible traffic enforcement sends a strong deterrent message that reduces the incidence of crime and crashes and keeps the streets safe. Police officers must be alert and observant at all times during patrols in order to identify and act upon unusual occurrences and violations of the law.

- B. Police officers' use of race, ethnicity, or national origin solely in deciding which persons should be subject to traffic stops, searches and seizures is improper. A fundamental right guaranteed by the U.S. Constitution and the Bill of Rights is equal protection under the law. Everyone – citizen and alien alike – is entitled to walk, drive, and move about in public free from government interference, so long as they obey the law. Likewise, innocent citizens are entitled to be free from crime and to move about freely without fear of those who do not abide by the law.
- C. In many communities in Rhode Island, nonwhite are twice as likely as whites to be subjected to discretionary searches. In some instances, law enforcement practices may have the unintended effect of promoting racially disparate stops and searches. Those who commit infractions must receive equal and fair treatment, regardless of their race, color, ethnicity, gender, sexual orientation, physical handicap, religion, or other belief system.
- D. Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and criminal law, and thereby undermining law enforcement efforts and ability to solve and reduce crime. Moreover, racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects.

## V. TRAINING

- A. Agency officers will receive initial and periodic training in subjects that promote and encourage impartial policing. Applicable training subjects may include, but

are not limited to, officer safety, courtesy, cultural diversity, search and seizure, interpersonal communication skills, and 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 or police action.
- C. On an annual basis, the prohibition against bias based profiling will be reinforced with supervisors continuously reviewing officers' performance, in-service trainings such as through policy review, video training and/or presentations by staff within or outside the department and/or community leaders.

## **VI. MONITORING**

Supervisors shall monitor officers' activity for any obvious or subtle signs of bias or improper selective enforcement and 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 the following measures:

1. Field Supervision.
2. Training.
3. IMC Case Activity/Report Review.
4. Analysis of Officer/Unit Activity.
5. Citizen Complaint Process.
6. Early Intervention System.
7. Traffic Stop Data Collection.
8. Performance Evaluations.
9. Opinion Surveys

## **VII. PROCEDURES**

- A. Stopping and Approaching Traffic Violators:

Officers will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing. These techniques include, but are not limited to:

1. Being courteous, polite, and professional.
2. Ensuring the lengths of traffic stops, investigative detentions, field contacts, etc., are no longer than necessary to take appropriate actions.

3. Explaining the credible, reliable, or locally relevant information that leads to stops or contacts when no enforcement actions were taken.
  4. Requesting a supervisor to allow citizens to voice their field contact or enforcement related concerns or complaints; and
  5. Explaining the Agency's complaint process.
- B. All officers are instructed not to abuse their discretion and selectively target specific groups and individuals based solely on their race or other illegitimate factors.
- C. Officers will comply with RIGL 31-21.2-5
1. No motor vehicle stopped will be detained beyond time needed to address the traffic violation unless either 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 if stopped solely for a traffic violation unless there exists reasonable suspicion or probable cause of criminal activity.
- D. All police officers involved in making traffic stops of motor vehicles will adhere to the traffic stop data collection procedures outlined in Appendix A – Traffic Stops Data Collection.

### **VIII. CORRECTIVE MEASURES**

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

### **IX. COMPLAINTS OF BIASED POLICING**

- A. All complaints with this department by means of in person, mail, or electronic communication, which can be obtained at the police station, the RIAC website, at the RIAC reception area and/or the request will be mailed to the complaining party.
- B. Information on the complaints received by each law enforcement agency shall be compiled on an annual basis by the state police and each municipal law enforcement agency and published in each agency's annual report and/or on its

website. The information compiled by each department shall include the total number of complaints received from the public, a breakdown by category of the type of complaint, and a further breakdown by category of the disposition of the complaints.

- C. Any and all records will be released, subject to Open Records Laws Exemptions, as listed by law.
- D. Any and all complaints will be thoroughly investigated by the Chief of Police or his designee.

**X. DISSEMINATION**

This general order shall be prominently placed in all relevant departmental policy and training manuals. Staff may access this directive through the departments' computerized documentation system.

By Order of the Chief of Police

A handwritten signature in blue ink that reads "Joseph C. Ottaviano". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Joseph C. Ottaviano  
Chief of Police  
Rhode Island Airport Corporation Police