




Smithfield Police Department

GENERAL ORDER 320.80

SECTION	EFFECTIVE DATE	PAGES
300 – Law Enforcement Operations	June 19, 2024	5
SUBSECTION	SPECIAL INSTRUCTIONS	
20 – Patrol Functions	Rescinds 02/16/21 Version	
TITLE	BY ORDER OF	
320.80 BIAS BASED PROFILING		

I. PURPOSE

To establish and maintain guidelines for sworn Department members and affected personnel, regarding unlawful or improper bias in public safety.

II. POLICY

Profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Unlawful or improper bias in public safety, however, involves the selection of individuals based solely on a common trait of a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

The Smithfield Police Department prohibits the use of bias based profiling in traffic contacts, field contacts, and asset seizure and forfeiture efforts. The Department recognizes that bias based profiling undermines legitimate law enforcement efforts and may lead to allegations of constitutional rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, and invites media scrutiny, legislative action and judicial intervention.

While performing law enforcement operations, sworn Department members shall continue to focus on individuals' conduct or other specific suspect information. Citizens shall only be selected, stopped or detained when there exists reasonable suspicion supported by specific, articulable facts that they have committed, are committing, or are about to commit an infraction of the law.

Furthermore, vehicle operators or passengers shall not be asked to consent to searches by sworn officers of their vehicle when such vehicle is stopped solely for a traffic violation(s), unless there exists reasonable suspicion or probable cause.

III. DEFINITION

UNLAWFUL/IMPROPER BIAS– The selection, detention, stopping or searching of a motor vehicle, or other disparate treatment of individuals based solely on a common trait of a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups. Unlawful or improper bias includes racial profiling, which may be defined as “the detention, interdiction or other disparate treatment of an individual on the basis, in whole or in 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.”

IV. TRAINING

- A. The Director of Training shall ensure that all sworn Department members and affected personnel are provided with initial training prior to assignment in unlawful or improper bias issues, including legal aspects.
- B. The Director of Training shall ensure that refresher training in unlawful or improper bias issues is provided to sworn Department members and affected personnel as part of the Department’s annual in-service training program.
- C. The Director of Training shall ensure that bias based profiling training is included in the Department’s annual in-service training program.

V. CORRECTIVE MEASURES

- A. Supervisory officers shall continuously monitor Department employees under their command and ensure that corrective measures are taken whenever it is determined that such employees have engaged in unlawful or improper bias activities.
- B. Corrective measures may include, but are not limited to:
 - 1. Counseling;
 - 2. Remedial training;
 - 3. Formal discipline;
 - 4. Dismissal.
- C. The processing of civilian complaints related to unlawful or improper bias activities, internal affairs investigations, and disciplinary action imposed as a result of internal affairs investigations shall be consistent with applicable provisions enumerated in the Department’s “Internal Affairs Investigations” policy.

VI. CONSENT SEARCHES

A. Motor Vehicles

1. Officers are prohibited from *asking* vehicle operators or passengers for consent to search their vehicle(s) when such vehicle is stopped solely for a traffic violation(s), unless there exists reasonable suspicion or probable cause of criminal activity.
2. When reasonable suspicion or probable cause exists to justify asking vehicle operators or passengers for consent to search their vehicle, the investigating officer shall inform a supervisory officer and request approval to ask vehicle operators or passengers for their consent.
3. Supervisory officers shall only approve consent searches when investigating officers' requests are reasonable and justifiable. If investigating officers are unable to articulate a reasonable and justifiable need to ask vehicle operators or passengers for consent to search their vehicle, supervisory officers shall not approve the investigating officers' request.
4. Supervisory officers shall promptly respond to the investigating officers' location after approving their requests to ask vehicle operators or passengers for their consent to search.
5. While awaiting the arrival of the supervisory officer who approved the request, investigating officers may ask vehicle operators or passengers for their consent.
6. Investigating officers shall make every effort to await the arrival of supervisory officers *before* conducting approved consent searches.
7. Investigating officers are not required to await the arrival of supervisory officers prior to conducting approved consent searches when investigating officers have reason to believe that the failure to conduct a prompt search may result in danger to the officer, danger to the public, or destruction of evidence.

B. Pedestrians

1. Rhode Island General Laws defines "*pedestrian*" as "any person afoot."
2. Officers are prohibited from *asking* pedestrians for consent to a search of their person(s), unless there exists reasonable suspicion or probable cause of criminal activity.

C. Juveniles

1. Officers are prohibited from *asking* juveniles for consent to a search, unless there exists reasonable suspicion or probable cause of criminal activity.

2. In those instances in which, without consent, a warrant would otherwise be required, officers must advise the juvenile(s) that they may refuse to consent to, or limit the scope of, any requested search.

VII. DATA COLLECTION & REPORTING

A. Traffic Stops/Searches

1. Consistent with existing, statewide data collection programs, officers shall accurately record the following information through the “E-citation” or IMC Dispatch call entry, for each traffic stop conducted:
 - a. Officer and originating agency identification;
 - b. Date, time and zone of the stop;
 - c. Reason and basis for the stop;
 - d. Operator race, sex and date of birth;
 - e. Operator residency and prior record status;
 - f. Vehicle registration state, number and plate type;
 - g. Number of additional occupants;
 - h. Result and duration of stop;
 - i. Road type;
 - j. Search information when any search is conducted, to include reason and result.
 - k. Any other information that is required by existing, statewide data collection programs.

B. All Other Searches

1. *All* searches conducted by Smithfield Police Officers shall be documented, to include the following data:
 - a. Date, time and location of the search;
 - b. Reasonable suspicion or probable cause leading to the search;
 - c. Race, age, and gender of the individual(s) searched;
 - d. Results of the search.

2. Data from searches *resulting in criminal charges* shall be documented in Arrest Reports.
3. Data from searches *not resulting in criminal charges* shall be documented in Field Interview Reports (FIRs).

VIII. PROVISIONS

- A. The Internal Affairs Officer shall conduct an annual review of activities with potential for unlawful or improper bias and forward a report to the Police Chief.
- B. Activities with potential for bias may include, but are not limited to:
 1. Citizen complaints;
 2. Internal affairs investigations;
 3. Corrective measures taken;
 4. Traffic and field contacts; and
 5. Asset forfeiture efforts.
- C. The Internal Affairs Officer shall ensure that the Department's data collection, reporting, and complaint procedures remain consistent with the provisions of Chapter 31-21.2 of the Rhode Island General Laws entitled, "*Comprehensive Community-Police Relationship Act of 2015.*"

IX. ATTACHMENT

Chapter 31-21.2 of the Rhode Island General Laws entitled, "*Comprehensive Community-Police Relationship Act of 2015.*"
