

COVENTRY POLICE DEPARTMENT

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	07/18/19	120.03	07/11/19
SUBJECT TITLE		SUBJECT AREA	
Impartial Policing		Administration/ General Management	
RIPAC		PREVIOUSLY ISSUED DATES	
2.8		06/12/18, 08/20/14, 05/31/12, 10/21/10	
DISTRIBUTION	REVIEW DATE		PAGES
ALL	AS NECESSARY		4

I. Purpose

The purpose of this policy is to reaffirm the Coventry Police Department's commitment to unbiased/impartial policing; to clarify the circumstances in which officers may consider group characteristics when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

II. Policy

The goal and obligation of every law enforcement agency is to enforce the law fairly. The Coventry Police Department's ability to perform its mission is directly related to the fair and equitable treatment of the community it serves. **The policy of the Coventry Police Department shall be that all members will treat every person, regardless of race, ethnicity, color, religious belief, disability, age, gender, gender identification or expression, language or accent, or country of national origin, with dignity and respect at all times and to ensure that all members actions are in accordance with the protections of the Constitution for which they are sworn to uphold.**

III. Definitions

- A. Bias Policing: Occurs when officers inappropriately consider group characteristics in deciding with whom and how to intervene in a law enforcement capacity.
- B. Group Characteristics: Groups in which the members are all persons who are classified together based on some social or physical factor(s) that distinguish them from those members of other groups. The implication includes, but is not

limited to race, ethnicity, color, religious belief, disability, age, gender, gender identification or expression, language or accent, country of national origin, and socioeconomic status.

- C. Fourth Amendment: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- D. Fourteenth Amendment: Guarantees, no state shall make or enforce any law which shall...deny to any person within its jurisdiction the equal protection of the laws.
- E. Probable Cause: Exists for warrant or warrantless arrest(s) when “the facts and circumstances within the officers’ knowledge, and of which they had reasonably trustworthy information, are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.” (*Bringer v. United States*, 338 U.S. 160, 1949)
- F. Reasonable Suspicion: Required for detentions, “is a less demanding standard than probable cause...in the sense that reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause.” (*Alabama v. White*, 496 U.S. 325, 1990). Reasonable suspicion, also known as “articulable suspicion” can be based on the observations of a police officer combined with their training, knowledge, and experience, and/or reliable information received from credible outside sources.

IV. Procedures

- A. In accordance with protection by the *Fourth Amendment* of the United States Constitution, investigatory detention, search and seizures shall be based on a standard of acting in good faith with probable cause or reasonable suspicion. Officers must articulate specific information and the totality of the circumstances that support probable cause or reasonable suspicion to take action against the person.
 - 1. The “totality of the circumstances” includes information made available to the officer before and at the time of police intervention (*Ford v. Childers*, 855, F2nd 1271).
- B. In establishing probable cause or reasonable suspicion, officers may consider group characteristics in combination with officer observations and perceptions, area relevant information, and other empirical evidence that link the person or persons of a specific group characteristic to a specific suspected unlawful activity.
 - 1. Empirical evidence: relating to facts in general, relating to experience, and relating to data and their collection, analysis, or evaluation.
- C. Except as provided in **IV-B**, officers shall not consider group characteristics as the only source of information in establishing probable cause or reasonable suspicion. Officers shall not consider group characteristics as the only source of information in a decision to initiate a nonconsensual encounter, that

amounts to only minimal police interference or to request consensual searches.

1. In *U.S. v. Brignoni-Ponce* (422 U.S. 873, 1975), the Supreme Court held that police could not stop motorists based solely on their racial or ethnic appearance, even if the officer were investigating illegal aliens.
- D. Except as provided in **IV-B**, officers shall not consider group characteristics as motivating factors in any law enforcement decision.
1. In *Whren et al. v. United States* (517 U.S. 806, 1996), the Supreme Court held that
 - a. An officer's underlying motive for stopping a vehicle is irrelevant when the person violates a traffic law.
 - b. The Court also noted that conducting selective enforcement based on race (e.g. making a pretext stop because of a person's race) is prohibited by the 14th Amendment's "Equal Protection Clause".

V. Education & Training

- A. In an effort to prevent bias based policing and promote biased free policing, and the perceptions thereof, the department shall provide education and training programs relating to bias in policing.
- B. Sworn personnel receive initial training in biased policing issues including legal aspects and refresher training on an annual basis. This training may include, but not be limited to:
 1. Perspectives of police personnel, community members, and professional educators and trainers from outside the agency.
 2. Agency specific information covering policies and procedures, training protocols, and community need relating to bias policing.
 3. An evaluation process to ensure high quality and effective programs.
- C. Education and training programs relating to bias policing shall be woven into other police education and training programs.

VI. Contacts with the Public

- A. Officers having contact with the public shall exercise police professionalism and any form of biased based policing is strictly prohibited. These contacts could include but are not limited to traffic contacts, field contacts, and asset seizure and forfeiture.
 1. Be courteous, professional and use appropriate language.
 2. Introduce him or herself to the person involved and provide their agency name.
 3. Unless providing the following information places the officer or others "at risk", officers shall:
 - a. State the reason for the contact as soon as practical.
 - b. Answer any questions.
 - c. Explain reasonable delays and detentions that amount to inconvenience to the person involved (e.g., after an investigatory stop).

4. Ensure the detention of any person is reasonable and no longer than necessary to satisfy the department's interest to take action against that person.

VII. Officer's Responsibilities

- A. Officers shall operate in compliance with this policy.
- B. As soon as practical, officers shall report to their immediate supervisor:
 1. Any violations of this policy.
 2. Any complaints of violations of this policy.

VIII. Supervisor's Responsibilities

- A. Police supervisors shall reasonably ensure that all personnel under their command are familiar with the content of this policy and are operating in compliance with this policy.
- B. As soon as practical, police supervisors shall report by way of chain-of-command any violations of this policy.
- C. In accordance with investigative procedures, the agency shall ensure that violations of this policy are investigated within a reasonable time frame.

IX. Complaints of Biased Based Policing/Compliance

- A. Any person may file a complaint with the department alleging a violation of this policy. No person shall be discouraged, intimidated, and/or coerced from filing a complaint with the department.
- B. Any employee contacted by a person who wishes to file such a complaint shall provide that person with a copy of the department's Personnel Complaint Form. See addendum.
- C. Bias-Based profiling complaints will be investigated and documented by the department.
- D. Violations of this policy shall result in disciplinary action as set forth in the department's rules and regulations.
- E. The Executive Officer shall conduct an annual documented review of the agencies practices, as well as the public and community concerns regarding biased-based policing and other discriminatory practices.

Per Order Of

**John S MacDonald
Chief of Police**

NOTE: This written directive is for the internal governance of the Coventry Police Department, and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.