



# New London Police Department General Order

Bias/Racial Profiling

G.O. 4.3

Effective Date: 11/09/2012

Classification: Not Classified

POSTC: 1.1.12

CALEA: 1.2.9a-d

## Policy<sup>1</sup>

1. It is the policy of the New London Police Department to be fair in its dealings with those who come to our attention regardless of distinct differences among the wide array of individual characteristics.
2. It is the policy of the New London Police Department that all citizens shall be treated equally.
3. No member of the department shall engage in racial profiling, as such practice:
  - a. Undermines legitimate law enforcement efforts and
  - b. Fosters distrust among the community it serves.
4. The New London Police Department will not participate in, nor condone, the stopping, detention, arrest or search of any person when:
  - a. Such action is solely motivated by considerations of:
    - 1) Race,
    - 2) Color,
    - 3) Ethnicity,
    - 4) Religion,
    - 5) Immigration Status,
    - 6) Age,
    - 7) Gender,
    - 8) Gender identity, or
    - 9) Sexual orientation; and
  - b. The action would constitute a violation of the civil rights of a person.<sup>2</sup>
5. Citizens will only be stopped or detained when there exists reasonable suspicion or probable cause to believe they:
  - a. Have committed,
  - b. Are committing, or
  - c. Are about to commit

a violation of the law.

<sup>1</sup>CT POST 1.1.12

<sup>2</sup>CTPOST 1.1.12

6. The racial, religious, sexual and/or ethnic background and or immigration status of an individual shall not be the sole factor in:

- a. Determining the existence of probable cause to place in custody or arrest said individual or
- b. Constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify:

- 1) The detention of an individual or
- 2) The investigatory stop of a motor vehicle.<sup>3</sup>

7. This policy shall not prohibit as part of a criminal investigation the use of an individual's:

- a. Race,
- b. Nationality,
- c. Ethnicity,
- d. Immigration Status,
- e. Gender,
- f. Gender identity,
- g. Sexual orientation,
- h. Disability,
- i. Religion, or
- j. Any combination of such factors

as a part of a specific description of a suspect, witness, or victim.

## Definitions

Racial or Bias-Based Profiling: The detention, interdiction, or other disparate treatment of an individual solely on the basis of the racial, ethnic and/or immigration status, age, gender, gender identity, sexual orientation, disability, or religion of such individual.<sup>4</sup>

Stop: The restraining of a person's liberty by a show of authority or by physical force.

Detention: The act of stopping or restraining a person's freedom to walk away, approaching and questioning an individual outside the realm of consensual encounter, stopping an individual suspected of being personally involved in criminal activity.

Search: Looking for or seeking out that which is otherwise concealed from view.

Traffic Stop: The commanding of a motor vehicle to stop and its occupants to submit to police authority of questioning by any officer of this department, whether it be by an unmarked marked police cruiser, or an officer's hand signal. The following are not deemed to be motor vehicle stops:

<sup>3</sup> C.G.S. 54-1L (d), City of New London Executive Order #0001

<sup>4</sup> C.G.S. 54-1L(b)

1. Parked motor vehicles, whether occupied or not;
2. Assisting motorist; and
3. Vehicles stopped in accordance with DUI or Safety Belt checkpoints or Road Blocks.

## Procedure

### A. Officer Responsibilities:

1. For all Motor Vehicles stops, officers shall:
  - a. Notify the Emergency Communications Section of the stop. Failure to notify Emergency Communications shall be considered an intentional violation of this and other policies. The following information shall be provided:
    - 1) The vehicle's registration number or its description and
    - 2) The location of the stop. Provide the dispatcher with
    - 3) The proper activity code, for example:
      - a) "48" for assist to the public;
      - b) "20" for motor vehicle stop;
      - c) "12" for suspicious parked cars.
  - b. In a courteous and polite manner inform the operator of the reason for the stop, unless there is a valid reason not to do so.
  - c. All officers shall be required to report motor vehicle stops. In addition to any other action, the officer shall complete (filling in all applicable data that is known to the officer) a New London Police Department Traffic Stop Data Form. (Form # NLPD-0099).
    - 1) This form shall be filled out immediately, or as soon as practical, after each motor vehicle stop.
      - a) The information for the form must come either from the operator's driver's license or the officer's observations. Operators or passengers shall not be asked for any information to complete the form.
      - b) The Traffic Stop Data Form shall not include any other identifying information about any person stopped for a traffic violation, such as:
        1. The person's Operator's License Number;

2. The person's name; or
      3. The person's address.
    - c) When more than one officer is involved with a stop, the officer present and having the most facts warranting the stop is responsible for the preparation of the form.
  - 2) If an officer assigned to Patrol duties makes no motor vehicle stops during the course of the shift, a "New London Police Department Traffic Stop Data Form" (form NLPD-0009) shall be completed with the officer's name, date, and shift and indicate that the officer did not stop any vehicles.
2. This policy does not release an officer from reporting requirements already in place.

## **B. Searches**

1. A Traffic Stop Data Form shall be completed for each motor vehicle stop.
2. The Traffic Stop Data Form shall articulate who or what was searched, for example:
  - a. Vehicle Operator
  - b. Vehicle Occupant
  - c. Operator and Occupant
  - d. Vehicle Search

## **C. Submissions of Statistical Forms:**

1. All completed NLPD Forms shall be turned in to the Street Supervisor or Shift Commander.
2. The Shift Commander shall be responsible for reconciling the number of stops against the number of forms.
3. The Day Tour Shift Commander shall insure the completed forms are transmitted to the Records Section in a timely manner.
4. The Support Services Supervisor shall be responsible for compiling and timely submission of the statistical data to:
  - a. The Chief State's Attorney's Office and
  - b. The Office of Policy Management.
  - c. The report shall contain a summary of the following information collected:
    - 1) Race
    - 2) Color
    - 3) Ethnicity
    - 4) Gender

- 5) Age
- 6) Nature of Alleged Traffic Violation
- 7) Disposition of Traffic Stop

- d. The report shall not contain any other identifying information about any person stopped for a traffic violation, such as the person's:
1. Operator's License Number
  2. Name
  3. Address

#### **D. Complaints:**

1. Any complaints resulting from a Traffic Stop will be documented on the "Traffic Stop Complaint" forms designed by the Chief State's Attorney's Office (Form # NLPD-0122). A supply of these forms will be kept in the Shift Commander Office.
2. Complaints shall be forwarded to the Deputy Chief for numbering and assignment and investigated in accordance with department policy (Refer to General Order #11.6, "Internal Affairs / Disciplinary Processes").
3. The Deputy Chief shall provide to the Chief State's Attorney and to the Office of Policy Management:
  - a. A copy of each complaint received and
  - b. Written notification of the review and disposition of the complaint.<sup>5</sup>
4. The complaint shall not contain any other identifiable information about the complainant such as his or her:
  - a. Operator's license number,
  - b. Name, or
  - c. Address.<sup>6</sup>
5. The Office of the Deputy Chief of Police will annually prepare a review of any evidence of Bias or Racial Profiling. This report will include, at a minimum:
  - a. A review of all complaints against officers and/or
  - b. Comments of same articulated in citizen surveys.<sup>7</sup>
6. If bias based profiling does occur corrective measures will be employed. These measures may include:
  - a. Remedial training,
  - b. Counseling, or
  - c. The employment of the disciplinary process.<sup>8</sup>

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<sup>5</sup>C.G.S. 54-1M(c)

<sup>6</sup>C.G.S. 54-1M(c)

<sup>7</sup>POSTC 1.1.12

<sup>8</sup>POSTC 1.1.12, C.G.S. 54-1L