



Lincoln Police Department

Office of Policy and Accreditation

100 Old River Road, Lincoln, Rhode Island 02865

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
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Mutual Respect in Policing		Patrol Functions	
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Mutual Respect in Policing

I. Purpose

The purpose of this policy is to reaffirm the Lincoln Police Department's commitment to unbiased policing. It is also the purpose to clarify the circumstance in which officers may consider group characteristics when making law enforcement decisions, thus reinforcing procedures that assure the public that this agency adheres to equitable enforcement of all laws.

II. Policy

Bias based policing and profiling involves the selection of individuals based on characteristics common to a particular group. This includes, but is not limited to, race, ethnicity, gender, gender expression/identity, sexual orientation, religion, economic status, age, cultural background, or any other identifiable group trait. **The Lincoln Police Department prohibits the use of biased based profiling and policing in traffic contacts, field contacts, asset seizures, forfeiture efforts, and/or any other aspects of the enforcement of law.** The department recognizes that biased profiling undermines legitimate law enforcement efforts and may lead to allegations of constitutional right violations. Biased based profiling also alienates citizens, violates the mission statement of the Lincoln Police Department relating to fair and equitable treatment of the citizens it serves, fosters distrust within the community, and invites media scrutiny, legislative action, and judicial intervention. Citizens shall only be stopped or detained when there exists reasonable suspicion supported by articulable facts that an individual has committed, are planning to commit or are in the tangible action of an infraction of law.

III. Definitions

- A. Racial Profiling (RIGL 31-21.2.-5) → unless there exists reasonable suspicion or probable cause of criminal activity, no operator of a motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation.

1. Nothing in legislation prohibits the detention of a motor vehicle for a reasonable amount of time for the arrival of a canine unit or subsequent criminal investigation if there is reasonable suspicion or probable cause of criminal activity.
 2. No operator or owner/operator of a motor vehicle shall be asked to consent to a search by law enforcement officers of his/her vehicle which has been stopped solely for a traffic violation, unless there is reasonable suspicion or probable cause to believe there is criminal activity.
 3. Any evidence seized resulting from a search as defined in subsection B shall be inadmissible in any judicial proceedings. Nothing contained herein shall be construed to preclude any search otherwise based on any legally sufficient cause.
- B. Bias Based Profiling → the selection, detention, stopping, or searching of a motor vehicle, or any other disparate treatment of an individual based solely on the common traits of a specific group. This includes, but is not limited to: race, ethnicity, gender, gender expression/identity, sexual orientation, religion, economic status, or cultural group.
1. Bias Based Profiling includes racial profiling, which is defined in RIGL 31-21.2-3 as, “The detention, interdiction, or other disparate treatment of an individual on the basis, in whole or in part, of race, 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 the description is timely and reliable”

IV. Procedure

- A. 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 their decision to initiate on-consensual encounters that amount to only minimal police interference, such as motor vehicle stops.
- B. Consent Searches
1. Officers are prohibited from asking vehicle operators or passengers for consent to search a vehicle when the stop was solely for traffic violations unless there exists reasonable suspicion or probable cause.
 2. When reasonable suspicion or probable cause exists to justify asking an operator or passenger for consent to search their vehicle, the investigating officer shall request approval from a supervisor prior to asking for any consent.
- C. Corrective Measures
1. Supervisors shall continuously monitor sworn personnel under their command and ensure that corrective measures are taken when it is determined that an officer has

engaged in in racial/biased based profiling/policing.

2. Corrective/disciplinary measures for violations of this policy may include, but not limited to:
 - i. Counseling
 - ii. Remedial training
 - iii. Formal discipline
 - iv. Dismissal
3. The processing of civilian complaints related to racial bias based profiling shall be the responsibility of the Internal Affairs officer, who shall investigate every such complaint. Disciplinary actions that result from an internal investigation shall be consistent with applicable provocations enumerated aforementioned in department policies.

D. Provisions

1. The Administrative Captain shall conduct an annual review of department practices related to bias based/racial profiling and forward a report to the Chief of Police.
2. Department practices related to bias based profiling may include, but not limited to:
 - i. Citizen's concerns
 - ii. Internal affairs investigations
 - iii. Motorist data collection information
 - iv. In-service training

E. Training

1. The department training officer will ensure that all sworn members are trained on an annual schedule bias based profiling, including legal aspects. All new hires, both sworn and civilian will receive initial training.
2. Additional diversity and sensitivity training will be designated for members with sustained bias biased profiling complaints or there sustained discrimination complaints filed against them.

By Order Of



**Chief of Police
Brian W. Sullivan**

