

NEW CANAAN POLICE DEPARTMENT

SUBJECT: BIAS BASED PROFILING

GENERAL ORDER NUMBER: 03-01-109

FILE:

I PURPOSE/POLICY

The purpose of this general order is to provide guidelines to all officers and supervisors relating to profiling of individuals based on race, color, age, ethnicity, gender and sexual orientation.

The policy of the New Canaan Police Department prohibits officers from conducting traffic stops, field contacts, "Terry stops" or detaining or searching when the officer's actions are solely motivated by race, color, age, ethnicity, gender, religion or sexual orientation. Additionally, the preparation of arrest and search warrants, as well as asset seizure and forfeiture efforts shall also be governed by these guidelines. This policy constitutes Agency guidelines and is not intended to enlarge the employee's existing civil or criminal liability in any way. It shall not be construed as the creation of an additional cause of action by either the employee or any third party.

II RESPONSIBILITY

It is the responsibility of all departmental personnel and supervisory staff to adhere to this General Order. It is the additional responsibility of the Division Commanders and/or Chief of Police, to insure its compliance.

III DEFINITION:

Prohibited Practices – Are defined as: The stopping, detention or search of any person based upon their race, color, age, ethnicity, gender, sexual orientation and such action would constitute a violation of the civil rights of the person.

IV PROCEDURES

A Field Officer Responsibilities

1. An officer may stop a motor vehicle upon reasonable belief that the individual(s) committed a motor vehicle violation or other criminal act. An officer may conduct a stop of an individual when the officer has reasonable suspicion that a crime is in progress, has been committed or is about to be committed. Such stop shall conform to the New Canaan Police Department policies and procedures, those outlined in the Connecticut Law Enforcement Field Officer's Manual and applicable state and federal statutes/mandates.

2. This policy does not preclude an officer from stopping a vehicle to offer assistance, e.g. a disabled vehicle. Such actions should be reported as an 'assist motorist' call, rather than a moving violation.
3. Officers may not use a person's race, color, age, ethnicity, gender, religion or sexual orientation as the sole consideration for stopping a person or vehicle.
4. Officers shall treat all individuals with courtesy and respect. An officer shall provide his/her name, badge number and reason for the stop whenever the individual requests such information.
5. Officers shall provide each person detained with the State issued handbill, outlining the instructions for filing a complaint. Additionally, whenever an individual alleges that an officer has engaged in practices prohibited by this policy, the officer will inform the individual of the State procedure and the New Canaan Police Department's civilian complaint procedure. If the individual wishes to file a formal complaint, the officer will immediately notify the Shift Commander.

B Supervisor Responsibilities

1. Supervisors shall ensure that officers follow the policies and procedures outlined in this general order.
2. The Shift Commander shall handle any incidents alleging improper profiling as outlined in the policy of General Order 87-4-39, Internal Affairs.
3. If a formal complaint is filed, Shift Commanders will use the Traffic Stop Complaint Form (Appendix 1), rather than the Citizen Complaint Form (NC001), to process the complaint. Once the form is completed and accepted, as referenced in Internal Affairs, Section IV, Complaint Processing, the Shift Commander will gather all information, immediately available to him/her, as it relates to the allegation. Following review of this information, the Shift Commander will decide if a final disposition can be determined;
 - a. Substantiated
 - b. Not Substantiated
 - c. Unfounded
 - d. Exonerated

If so, he/she will make a determination and forward his/her findings in a memorandum with the complaint form to the Chief of Police.

C Management Responsibilities

1. The Chief of Police will review all allegations of improper police profiling, when a formal complaint is received.
2. If deemed necessary, the Chief of Police will notify the investigating supervisor that an Internal Affairs Investigation is warranted and shall follow procedures outlined in General Order 87-4-39, Internal Affairs. The investigating supervisor shall forward a copy of all such investigations to the Chief of Police for appropriate disciplinary action, if warranted.

D Investigative Section Responsibilities

1. The policy against bias based profiling will be enforced in all phases of law enforcement operations, to include but not limited to traffic contacts, field contacts and in asset seizures and forfeitures.
2. All investigations involving searches, seizures and/or asset forfeiture, shall be conducted in accordance with all applicable Constitutional, Federal, State and Local law.

E Officer Reporting Requirements

1. Officers will radio dispatch with the traffic stop statistics at the completion of each motor vehicle stop or such information into CAD via Mobile Data Terminal (MDT). Traffic stop statistics are not required to be collected for sobriety checkpoints and/or seatbelt enforcement where mass motor vehicle stops are made. The demographic information needed will be obtained through the officer's observations and driver's license information. Officers will not inquire about a person's race or ethnic origins.
2. Officers shall document whenever an individual alleges that the stop was made because of improper police profiling, even if a formal complaint is not filed.
 - a. Documentation of the allegation will be made on the State of Connecticut Traffic Stop Complaint Form with a brief narrative of the details on the back of the sheet. The form will then be attached to any written action or report filed by the officer.
3. Members of the New Canaan Police Department found to be in violation of this policy will be subject to counseling and/or disciplinary action in accordance with General Order 91-8-96, Disciplinary Procedures.

F Documentation and Record Keeping

1. All traffic stop data shall be captured and preserved in the Department's Records Management System (RMS).
2. The data shall be forwarded to the State Office of Policy & Management (OPM) each month or as directed by that office.

G Annual Review

1. The Commander of Operations or designee shall be responsible for reviewing the department's bias-based profiling policies and practices on an annual basis and forward his/her findings to the Chief of Police.
 - a. The review shall include a review of citizens concerns and/or complaints received, a review of computer data, and any other pertinent documentation.
 - b. Other documentation including, but not limited to; incident reports, summonses and written warnings.

- c. Computer generated data as applicable.
2. Sworn Personnel shall review this General Order on an annual basis with their rating supervisor. Such review shall be recorded on the Performance Development Plan

V DISTRIBUTION

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

VI EFFECIVE DATE

This general order was approved by the Police Commission May 20, 2003 and is effective May 20, 2003.

Revised July 2009
Revised June 2014

Per Order,

Leon M. Krolikowski
Chief of Police