

<b>Model Policy re: Fair and Impartial Policing</b>	
<p><i>Note: These guidelines should be carefully analyzed with respect to each law enforcement agency's individual characteristics, needs, and resources and tailored as necessary to fit the specific agency. It is not intended and should not be used to set a higher standard than that which is required under applicable state and federal law.</i></p>	
<p><i>Departments conducting traffic stops are not required to adopt these guidelines, but may use them to construct a new policy or to support an existing one in accordance with section 54-1m of the General Statutes. These guidelines have been developed by the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Advisory Board.</i></p>	
<p><i>These guidelines are intended solely for the internal governance of the agency and its officers. These guidelines should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees.</i></p>	
<p>Applicable Connecticut General Statutes § 54-1l and 54-1m (1999), amended: P.A. 03-160, P.A. 12-74, P.A. 13-75</p>	
<p>CALEA Standard: <b>1.2.9</b></p>	
<p>Date Implemented:</p>	<p>Review Date:</p>

**I. Purpose**

- A. The U.S. Constitution and in particular the Bill of Rights places an emphasis on the protection of citizens' fundamental rights. A fundamental right guaranteed by both U.S. and Connecticut constitutions is the "Equal Protection" clause. Everyone, citizen and alien alike, is equally entitled to walk, drive and move about in public.
- B. This document serves to (1) reaffirm this law enforcement agency's commitment to fair and impartial policing, (2) reinforce procedures that assure the public this agency is providing service and enforcing laws in an equitable and lawful fashion and (3) protect officers from unwarranted accusations of misconduct when they act within the dictates of the law.

**II. Definitions**

- A. "Law Enforcement Agency" means each municipal police department, the Department of Emergency Services and Public Protection (State Police) and any other department with authority to conduct a traffic stop.

"Department with authority to conduct a traffic stop" means any department that includes, or has oversight of, a police officer, and "police officer" means a police officer within a municipal police department or the Department of Emergency Services and Public Protection or a person with authority pursuant to any provision of the general statutes to make arrests or issue citations for violation of any statute or regulation relating to motor vehicles and to enforce said statutes and regulations as policemen or state policemen have

in their respective jurisdictions, including, but not limited to: (A) Special policemen acting under the provisions of section 29-18, 17a-24 or 17a-465; (B) policemen acting under the provisions of section 29-29; (C) the Commissioner of Motor Vehicles, each deputy commissioner in the Department of Motor Vehicles and any salaried inspector of motor vehicles designated by the commissioner pursuant to section 14-8; (D) the State Capitol Police acting under the provisions of section 2-1f; (E) special police forces acting under the provisions of section 10a-142; (F) state policemen acting under the provisions of section 27-107; and (G) fire police officers acting under the provisions of section 7-313a.

- B.** A “traffic stop” is defined as any time an officer initiates contact with a vehicle resulting in the detention of an individual and/or vehicle. Stops made as part of a checkpoint or spot check enforcement are considered officer initiated if contact with the operator is extended for any purpose. A traffic stop does not include providing assistance to a motorist, all contacts arising from traffic crashes or in cases where an officer initiates contact with a vehicle that has been linked to a specific incident, whether based on a motor vehicle or criminal complaint.

Exclusions: The following police activities are excluded from the definition of a traffic stop and data collection requirements:

- Stops made based on the use of radiation detection devices
- Truck weighing operations
- Commercial vehicle safety inspections

*General Exception:*

By law data must be recorded for all traffic stops, unless the police officer was required to leave the location of the stop in order to respond to an emergency or due to some other exigent circumstances within the scope of such police officer’s duties.

- C.** “Race and Ethnicity” means of a particular descent, they are defined as: American Indian/Alaskan Native, Asian/Pacific Islander, Black, Hispanic, Middle Eastern and White.
- D.** “Racial profiling” means the detention, interdiction, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.
- E.** Biased Policing is the consideration of race/ethnicity in carrying out law enforcement activities except as provided under “Guideline” below.

### **III. Policy (recommendation)**

It is the policy of this department to respect the rights of all persons. As such, this department will work diligently to ensure the following:

- A.** Officers shall not engage in racial profiling or take any law enforcement action against an individual based solely on the race, color, ethnicity, gender, age or sexual orientation of the individual except when credible, relevant information links a person or people of a specific race/ethnicity to a specific unlawful incident, or to specific unlawful incidents, criminal patterns, or schemes (i.e. a robbery suspect is identified and law enforcement is looking for a specific vehicle and individual.)
- B.** This policy shall not preclude officers from stopping a person to offer assistance for a motor vehicle that is disabled or someone who appears to be ill, lost or confused.

#### **IV. Field Officer Responsibilities**

Members of this law enforcement agency, whether sworn, civilian, or volunteer, shall

- A.** Treat every person with courtesy and respect and will conduct all law enforcement duties in a professional manner.
- B.** Conduct all motor vehicle stops, detentions, investigative activities, or arrests in accordance with constitutionally accepted practices.
- C.** Upon initial contact, provide his or her full name, jurisdiction, and the reason for the motor vehicle stop as soon as practical, unless providing this information will compromise officer or public safety.
- D.** Ensure that the detention is no longer than reasonable to take appropriate action for the known or suspected offense.
- E.** Explain the disposition of the stop.
- F.** Provide the driver of the motor vehicle with a notice of his or her rights at the conclusion of all traffic stops, regardless of the disposition of that stop, pursuant to Public Act 12-74.
- G.** It is recommended that officers report allegations of racial profiling to their supervisor.

#### **V. Supervisor Responsibilities**

- A.** Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this guideline and are operating in compliance with the procedures herein.<sup>3</sup>
- B.** When possible, supervisor shall be responsible for making contact with any known complainant alleging biased law enforcement practices by his or her field officers, and documenting same in writing using departmentally approved forms.
  - i.** The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explaining the department's guideline and in particular the investigative process.<sup>4</sup>
- C.** Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
  - i.** Evaluate, provide a written report, and process each complaint form alleging biased law enforcement practices to the Agency head or his/her designee or to the Internal Affairs Unit, if applicable.
    - a.** Written reports shall be completed within reasonable time outlined by each department.
  - ii.** Evaluate, copy, and submit a written report to the agency head or his or her designee detailing the review of the MVR tape, if applicable.
    - a.** Each supervisor shall obtain a copy of the MVR tape, if applicable, and any written report prior to submitting to the agency head or his or her designee or the Internal Affairs Unit.

#### **VI. Allegations of Biased Policing**

- A.** All allegations of biased law enforcement practices shall be investigated by the department in a consistent manner.

- B. A copy of each complaint received by the law enforcement agency and a written notification of the review and disposition of such complaint shall be provided to the Chief State's Attorney and the Office of Policy and Management Criminal Justice Division. No copy of such complaint shall include any other identifying information about the complainant such as the complainant's operator's license number, name or address.

## VII. Departmental Review

- A. Management of this law enforcement agency shall review information produced by the Office of Policy and Management and any complaints filed.
- B. Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, in a timely manner.

## VIII. Documentation and Record Keeping

- A. Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic shall document the stop with the following information, which shall be included in addition to any other information documented by the officer:
  - a. Date
  - b. Time
  - c. Geographic Location
  - d. Officer identifying number
  - e. Race
    - i. W—White
    - ii. B—Black
    - iii. I—Indian American/Alaskan Native
    - iv. A—Asian/Pacific Islander
  - f. Ethnicity
    - i. H- Hispanic
    - ii. M- Middle Eastern
  - g. Age
  - h. Gender (Male, Female)
  - i. Nature of stop
    - i. I—Investigation, Criminal
    - ii. V—Violation, Motor Vehicle
    - iii. E—Equipment, Motor Vehicle
  - j. Statutory citation for stop
  - k. If different, statutory citation resulting from stop
  - l. Result of the Stop
    - i. U—Uniform Arrest Report
    - ii. M—Misdemeanor Summons
    - iii. I—Infraction Ticket
    - iv. W—Written Warning
    - v. V—Verbal Warning
    - vi. N—No Disposition
  - m. Resident of the municipality where the stop occurred
  - n. Connecticut resident
  - o. Enforcement Category
    - i. General Enforcement
    - ii. Blind Enforcement (radar, LPR, etc...)

- iii. Spot Check (Seat Belt, DUI, other checkpoints, etc...)
- p. Search Conducted (Yes/No)
- q. Authority for Search
  - i. Consent
  - ii. Inventory
  - iii. Other
- r. Contraband and or evidence discovered (Yes/No)
- s. Custodial Arrest Made (Yes/No)
- t. Duration of Stop (0-15 minutes, 16-30 minutes, over 30 minutes)
  - i. Towed (Yes/No)

**B.** Every month this law enforcement agency will compile the above information and submit to OPM.

## **IX. Training**

**A.** Training shall be in compliance with state law. This training shall include:

- i.** Training of all current and future agency employees as to this guideline and the statutory prohibition against biased policing;
- ii.** In-service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;

**B.** Further, training shall be planned and completed in compliance with the standards designed by the State Police and Police Officer Standards and Training Council (POSTC).

## **X. Retaliation**

**A.** No member of this law enforcement agency, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, or volunteers for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.

**B.** Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to discipline.

## **XI. Public Inspection**

**A.** A copy of this policy shall be kept at \_\_\_\_\_ (name specific location where the guideline will be kept or posted) for public inspection.

## **XIV. Application**

**A.** This policy constitutes agency guideline 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.<sup>5</sup>

<sup>1</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol3/MODRACIAL.doc](http://www.mopca.com/members/documents/vol3/MODRACIAL.doc). See also Act 2136 of 2005, Section 3.

<sup>2</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol3/MODRACIAL.doc](http://www.mopca.com/members/documents/vol3/MODRACIAL.doc).

<sup>3</sup> Fridell, L. Lunnay, R. Diamond, D., & Kubu, B. (2001). *Racially Biased Policing: A Principled Response*. Conducted through the Police Executive Research Forum and funded by the Office of Community Oriented Policing Services under Grant No. 1999-CK-WX-0076.

<sup>4</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol3/MODRACIAL.doc](http://www.mopca.com/members/documents/vol3/MODRACIAL.doc)

<sup>5</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol3/MODRACIAL.doc](http://www.mopca.com/members/documents/vol3/MODRACIAL.doc). \* Act 1048 of 2007.