

## BRISTOL CT POLICE DEPARTMENT

<b>TYPE OF DIRECTIVE:</b> General Order	<b>SUBJECT:</b> Fair and Impartial Policing	<b>EFFECTIVE DATE:</b> August 1, 2015	
<b>ISSUING AUTHORITY:</b> Chief Brian Gould <i>Brian Gould</i>	<b>POLICY NUMBER:</b> 3.27	<b>RESCINDS:</b> N.A.	
<b>DISTRIBUTION:</b> All Sworn Personnel	<b>REISSUE DATE:</b> July 1, 2020	<b># OF PAGES:</b> 4	
<b>POSTC ACCREDITATION STANDARD:</b> 1.5.1			

**PURPOSE:** To establish policy in accordance with Connecticut Statutes regarding the profiling of people based solely on the person’s race, color, ethnicity, age, gender, or sexual orientation, or any other identifiable group.

**POLICY:** Traffic stops and field contacts deter traffic violations and criminal activity. Officers are encouraged to conduct such stops to the extent they are allowed by law. The department prohibits profiling based solely on religion, economic status, age, cultural group, or any other identifiable group 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).

Officers will not use bias based profiling in the performance of their duties, to include traffic contacts, field contacts, and in asset seizure and forfeiture efforts.

The department will collect data through the use of traffic stop data collected through the CAD software which is designed to automatically send all traffic stop statistics to the State.

**Reference** - Connecticut General Statute 54-1l & 54-1m, Arrest Procedures General Order, Recertification Material, Connecticut Field Manual (red book).

**Definitions:**

*Biased Based Profiling* - The detention, interdiction, or other disparate treatment of an individual based solely on the person’s race, color, ethnicity, age, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

*Determining Status* - CGS 54-1m states that identification of characteristics is based on the observation and perception of the officer and the person stopped will not be required to provide the information.

*Traffic Stop* - Any time an Officer initiates contact with a vehicle resulting in the detention of an individual. 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. (Also see BPD policy on DUI checkpoints)

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Race and Ethnicity means of a particular descent. Defined as: American Indian/Alaskan Native, Asian/Pacific Islander, Black, Hispanic, Middle Eastern and White.

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.

Biased Policing is the consideration of race/ethnicity in carrying out law enforcement activities except as provided within this policy.

Traffic Stop Statistics are the required data fields that each Officer will record for each traffic stop. The fields are built into the NexGen CAD software and include the following: Date, time, location, Officer ID, race, ethnicity, age, gender, nature of stop, statutory reason for stop, residency of operator, enforcement category, search information, arrest information, and duration of stop.

### PROCEDURES:

#### Officer Responsibilities

- Officers are permitted to stop and detain individuals in accordance with stop & frisk guidelines (See BPD policy on Arrest Procedures and the Field Manual). Traffic stops are permitted for motor vehicle violations or with reasonable suspicion of motor vehicle or criminal activity.
- Treat every person with courtesy and respect and will conduct all law enforcement duties in a professional manner.
- Upon initial contact, provide his or her name, jurisdiction, and the reason for the motor vehicle stop as soon as practical, unless providing this information will compromise officer or public safety.
- Ensure that the detention is no longer than reasonable to take appropriate action for the known or suspected offense.
- Explain the disposition of the stop.
- 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 CGS 54-1m.
- Officers will report allegations of racial profiling to their supervisor.

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## **Documentation and Record Keeping**

In accordance with CGS 54-1m, all officers shall complete all of the traffic stop statistic (TSS) data fields within the NexGen software for every traffic stop regardless of the type of enforcement action taken. The software is designed to require the completion of all mandatory fields. In the event that the officer does not have access to the NexGen software (no laptop available) then the required information will be forwarded to the Communications Division for entry into the case record.

While the CAD software is designed to require this data entry prior to closing out the CAD record of the stop. It is up to each Officer to understand when to submit the TSS data and we cannot rely on the software for that decision. In the event that the CAD system is not able to record the information, it is the responsibility of the Officer to personally note the required data and ensure the information is entered in at the first opportunity.

If an officer stops a vehicle in error, such as reading a marker plate wrong, the officer will explain the error to the operator and apologize for the inconvenience, but document the stop as required.

## **Supervisor Responsibilities**

Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this policy and are operating in compliance with the procedures herein.

Supervisors shall be responsible for addressing profiling complaints in accordance with the BPD Internal Affairs policy.

## **Allegations of Biased Policing**

All allegations of biased law enforcement practices shall be investigated in accordance with BPD Internal Affairs Policy. Per Connecticut General Statute, the following will be provided to the Chief State's Attorney's Office and the Office of Policy and Management Criminal Justice Division:

- a copy of each complaint received by the law enforcement agency, and
- a written notification of the review, and
- disposition of such complaint

It should be noted that per statute, 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.

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### **Departmental Review**

- The Bristol Police Department's administration shall review complaints of biased based policing in accordance with citizen complaint / internal affairs policies.
- Officers found to have engaged in biased law enforcement practices shall receive counseling, corrective training, and/or discipline, in a timely manner and in accordance with the Code of Conduct.
- The Department's Administrative Services Captain will annually submit to the Chief of Police a report on the following: A review of biased policing complaints received, the outcome of such complaints, and any discipline recorded. The report should also include a policy review to determine if the existing policy requires any updates.

### **Training**

The Bristol Police Department will ensure Officers receive training related to biased based policing issues and department policy.

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Bureau/Division/Shift Commanders shall ensure that all members of their command are thoroughly familiar with, and understand the contents of this order.