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|  <p><b>NAUGATUCK POLICE<br/>DEPARTMENT</b></p> <p><b>POLICY AND PROCEDURE<br/>GENERAL ORDER</b></p> | Distribution  | General Order Number  |
|  | ALL PERSONNEL   | <b>1.09</b>   |
|  | Original Issue Date   | Reissue/Effective Date  |
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| Order Title:<br><br><b>BIAS BASED POLICING</b>   | Accreditation Standard:<br><b>CALEA: 1.2.9<br/>POSTC: 1.5.1</b> | Section<br><br><b>1</b>   |
| Section Title:<br><br><b>DEPARTMENT ROLE AND AUTHORITY</b>   | Rescinds: 10.1  | <br><b>C. Colin McAllister, Chief of Police</b> |

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*

## I. PURPOSE

The purpose of this policy is to provide guidance to department members that affirms the Naugatuck Police Department's commitment to policing that is fair and objective.

## II. POLICY

It is the policy of the Naugatuck Police Department ("Department") to be committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. The Department will provide law enforcement services and enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

The Department's response to unlawful or improper bias in public safety (bias-based policing) shall be a set of procedures that require professionalism on behalf of all department members; ensure that all Department members base their behavior on sound legal reason, safety for all Department members and citizens, and the accepted best practices of modern policing; and with an understanding that police operations may have a discriminatory effect even if they do not have a discriminatory intent.

## III. DEFINITIONS

**Bias-based Policing:** The differential treatment, enforcement, or service of any person by officers motivated by actual or perceived characteristics such as race, ethnicity, national origin, religion, gender, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristic).

**Racial Profiling:** Pursuant to [Connecticut General Statutes §54-1m](#), the detention, interdiction or other disparate treatment of an individual [solely] by a police officer on the basis, in whole or in

part, of the perceived racial or ethnic status of such individual, except when such status is used in combination with other information when seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect.

Unlawful or Improper Bias in Public Safety: The application of police authority based on a common trait of a group. This includes but is not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, or language fluency.

#### **IV. PROCEDURE**

##### **A. Unlawful or Improper Bias in Public Safety (Bias Based Policing) Prohibited**

1. Unlawful or improper bias in public safety (bias-based policing) is strictly prohibited including with regard to traffic contacts, field contacts and in asset seizure and forfeiture efforts. Department members may only consider protected characteristics in combination with credible, timely and distinct information connecting a person or people of specific characteristics to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.
2. The Naugatuck Police Department prohibits the stopping, detention, interdiction or search of any person when such action is motivated, in whole or in part, by considerations of race, color, ethnicity, age, gender or sexual orientation, except when such consideration of race, color, ethnicity, age, gender or sexual orientation is used in combination with other information seeking to apprehend a specific suspect whose race, color, ethnicity, age or gender is part of the description of the suspect.
3. Effective Law Enforcement

Effective law enforcement requires Department members to be observant and to identify and act upon any unusual occurrences and law violations. These enforcement efforts keep our community free from crime and our roadways safe to drive upon, and also deters and/or detects and apprehends criminals. Officers engaging in proactive policing is an effective strategy to:

- a. Protect the public from the devastation caused by drug abuse, including the suppression of the activities of drug couriers;
- b. Reduce street and highway traffic-related death and injury, including the apprehension of drunk drivers;
- c. Combat illegal trafficking and possession of weapons and drugs;
- d. Capture and arrest fugitives at-large, and other wanted persons;

- e. Identify and target violent gangs, terrorists and others who pose a threat to public safety; and
- f. Otherwise promote and maintain an orderly and law-abiding society.

#### 4. Role of Supervisors

- a. Supervisors should monitor all Department members under their command for compliance with this policy and shall handle any alleged or observed violation in accordance with General Order 4.02: *Investigating Misconduct and Citizen Complaints*.
- b. Supervisors will periodically review body-worn camera video, dash camera video, portable audio recordings, Mobile Digital Computer data, and any other available resources used to document contact between officers and the public to ensure compliance with this policy.
- c. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- d. Supervisors should take prompt and reasonable steps to address any retaliatory actions taken against any member of this department who discloses information concerning bias-based policing.

#### 5. Recording of Motor Vehicle Stops

- a. Motorists and pedestrians shall only be subjected to stops, seizures, or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the stop, registration number or the description of vehicle being detained, and the number of occupants and reason for the stop. Communication personnel shall log all pertinent information. All required reports and/or forms shall be completed by the officer upon completion of the stop. (See General Order 5.09: *Traffic Enforcement*)
- b. The Naugatuck Police Department shall record traffic stop information unless the police officer is required to leave the location of the stop prior to completing such form in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties.
- c. The information to be recorded for each traffic stop, includes, but is not limited to:
  - (A) The date and time of the stop;

- (B) the specific geographic location of the stop;
- (C) the unique identifying number of the police officer making the stop, or the name and title of the person making the stop if such person does not have a unique identifying number;
- (D) the race, ethnicity, age and gender of the operator of the motor vehicle that is stopped, provided the identification of such characteristics shall be *based on the observation and perception of the police officer responsible for reporting the stop*;
- (E) the nature of the alleged traffic violation or other violation that caused the stop to be made and the statutory citation for such violation;
- (F) the disposition of the stop including whether a warning, citation or summons was issued, whether a search was conducted, the authority for any search conducted, the result of any search conducted, the statute or regulation citation for any warning, citation or summons issued and whether a custodial arrest was made; and
- (G) any other information deemed appropriate.

d. Additionally, officers shall provide the operator of each motor vehicle stopped with:

- (i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained, interdicted or subjected to a search on the basis, in whole or in part, of such person's race, color, ethnicity, age, gender, sexual orientation, religion or membership in any other protected class, such person may file a complaint with the appropriate law enforcement agency unless the police officer was required to leave the location of the stop prior to providing such notice in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties, and
- (ii) instructions to be given to the person stopped on how to file such complaint unless the police officer was required to leave the location of the stop prior to providing such instructions in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties;

## 6. Contact with the Public

- a. All Department members shall be familiar with the Naugatuck Police Department Rules and Regulations, as well as all General Orders pertaining to traffic stops, citizen encounters and all other Department – Community interactions, including the provisions requiring professionalism and courtesy to all.
- b. Professional behavior is directly related to the degree of cooperation from the motorist. Department members should never forego their command presence, safety, and control of the situation during a public contact.

## 7. Detention and Search

- a. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's unsolicited, voluntary consent. *See General Order [1.02: Limits of Authority](#), section IV.C.6.c.)*
- b. In each case where a search is conducted, this information shall be documented, including the legal basis for the search, and the results thereof. It is strongly recommended that consent searches only be conducted with written consent, using the proper Department form.
- c. Any search by a Naugatuck Police Department officer of a motor vehicle or the contents of the motor vehicle that is stopped by an officer **solely** for a motor vehicle violation shall be (A) based on probable cause, or (B) after having received the "unsolicited consent" to search from the operator of the motor vehicle in written form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign," inserting initials and the signature of any witness in the signature block. Refusal to sign must be audio recorded before a search can take place.

## 8. Completion of Required Reports

Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. Police reports shall indicate the reason for the stop.

## **B. Training**

1. Agency personnel will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, discrimination and bias-based profiling, field contacts, traffic stops, the laws governing search and seizure, and interpersonal communications skills.
2. This training shall address the issues pertaining to the practice of bias-based policing, including its impact on police and society. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action. Training will also address the legal aspects of bias-based profiling including the possibility of criminal and civil liability for such actions.
3. The training should apply principles of procedural justice (treating people with dignity and respect, providing individuals a voice during encounters, being neutral and transparent in decision-making, and conveying trustworthy motives).

## **C. Corrective Measures**

1. Any person may file a complaint with the Department if they feel they have been stopped or searched based on bias-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint. All complaints shall be investigated, and corrective measures shall be taken if it is determined that bias-based profiling has occurred.
2. Any Department member, who is told by a person that they wish to file such a complaint, shall provide the name of their immediate supervisor and the telephone number of the department. Any Department member who is accused on scene of discrimination, bias based profiling, an illegal stop, frisk, and/or search by any person, shall report the incident to their immediate supervisor as soon as practical.
3. Supervisors who receive official complaints shall follow Departmental procedures as outlined in General Orders 4.01: *Citizen Complaints*, and 4.02: *Investigation of Misconduct and Citizen Complaints*. When backing up officers on vehicle stops and other calls, they shall be alert to any pattern or practice of possible discriminatory treatment or bias based profiling by officers.

## **D. Annual Review of Department Practice and Citizen Concerns**

1. The Deputy Chief shall provide the Connecticut Office of Policy and Management with periodic reports on the characteristics of persons stopped on

traffic stops, when available. The Department will record the following information:

- a. Date and time of the stop;
- b. Location of the stop;
- c. Name and badge number of the police officer making the stop;
- d. Race, color, ethnicity, age, and gender of the operator of the motor vehicle that stopped, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop;
- e. The nature of the alleged traffic violation or other violation that caused the stop to be made and the statutory citation for such violation;
- f. The disposition of the stop including whether a warning, citation or summons was issued, whether a search was conducted and whether a custodial arrest was made; and
- g. Any other information deemed appropriate.

1. Annually, the Deputy Chief shall conduct an Administrative Review during the month of January of all Department activities with potential for bias to include, but not limited to, traffic and field contacts, asset forfeiture efforts, citizen complaints, policies, practices, training, citizen concerns, and any corrective action taken, relating to unlawful or improper bias in public safety.
2. The review committee shall prepare and forward a report of their findings and recommendations, if any, to the Chief of Police by March 1<sup>st</sup> of each year.

#### **E. Allegations of Biased Policing**

1. All allegations of biased law enforcement practices shall be investigated in accordance with Naugatuck Police Department Internal Affairs policy. Per Connecticut General Statute § 54-1m(e), the following will be provided to the Chief State's Attorney's Office and the Office of Policy and Management Criminal Justice Division:
  1. a copy of each complaint received by the law enforcement agency, and
  2. a written notification of the review, and
  3. disposition of such complaint

2. 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.