



# NEWPORT POLICE DEPARTMENT

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	NOVEMBER 9, 2011	320.07	NOVEMBER 9, 2011
SUBJECT TITLE		SUBJECT AREA	
BIAS FREE POLICING		LAW ENFORCEMENT OPERATIONS	
PREVIOUSLY ISSUED DATES			
JANUARY 2, 2004			
DISTRIBUTION	REEVALUATION DATE	PAGES	
ALL	AS NEEDED	THREE (3)	

## I. PURPOSE

The purpose of this order is to prevent and prohibit the practice of bias based profiling and other discriminatory practices by any member of the Newport Police Department.

## II. POLICY

It is the policy of this Department to investigate suspicious persons, incidents, and other activities that officers encounter on patrol. It is also the intent of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions. In the absence of any specific report, the race, ethnic background, age, gender, perceived sexual orientation, religion, economic status, or cultural group of any person will not be the basis for the detention, interdiction or other disparate treatment of any individual by any member of the Newport Police Department.

The definition of bias based profiling is the detention, interdiction, or other disparate treatment of an individual on the basis of the race, ethnic background, age, gender, perceived sexual orientation, religion, economic status or cultural group of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose racial, ethnic or other status is part of the description of the suspect.

### **III. PROCEDURE**

- A. Racial profiling of individuals is strictly prohibited by members of the Newport Police Department.
  - 1. In the absence of a specific report, race or ethnicity of an individual will not be a factor in determining the existence of probable cause to place in custody or arrest an individual, or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.
  - 2. In response to a specific credible report of criminal activity, race or ethnicity of an individual will not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.
- B. Stops or detentions based on race, age, gender, perceived sexual orientation, or any other prejudicial basis by any member of the Newport Police Department are prohibited.
  - 1. The detention of any individual, which is not based on factors related to a violation of Federal Law, State law, City Ordinances, or any combination thereof, is prohibited.
  - 2. No officer will stop, detain, or search any person when such action is motivated by race, color, ethnicity, age, gender, or perceived sexual orientation.
  - 3. Asset seizure and forfeiture efforts and procedures will be based on violations of Federal Law, State law, or any combination thereof and will not be motivated by race, color, ethnicity, age, gender, perceived sexual orientation, religion, economic status or cultural group.

### **IV. TRAINING**

- A. All Sworn members will receive initial training as well as annual training on the harms of bias based profiling and discrimination, including legal aspects and a review of this policy.
- B. Additional diversity and sensitivity training will be designated for members with sustained bias based profiling or other sustained discrimination complaints filed against them.

### **V. DUTIES OF PERSONNEL**

- A. Any employee who believes there is, or is made aware of any violation of this order, will immediately contact his/her immediate supervisor.
- B. All complaints of bias based profiling or discriminatory practices will be investigated in accordance with the established Internal Complaint Review Policy (General Order

130.01).

- C. Each supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that members' actions and activities adhere to this policy and to discover any indications of racial profiling or discriminatory practices.

## **VI. DISCIPLINARY PROCEDURES**

- A. Appropriate discipline will be implemented for non-compliance with this policy, up to and including dismissal.
- B. Failure to report any observed or known violations of this order by any member of the Department will result in disciplinary action.

## **VII. ADMINISTRATIVE REVIEW**

- A. There will be an annual review of this order and Department practices conducted by the Office of Professional Standards.
- B. The review will include concerns expressed by citizens.



Gary T. Silva  
Chief of Police