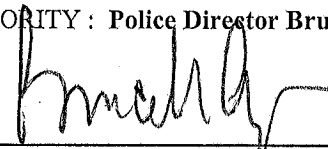


POLICE DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

LAMBERTVILLE POLICE DEPARTMENT	EFFECTIVE DATE: 08/17/05	REVISION DATE:	PAGE:	SECTION:	APPROVED:	COPY	VOLUME VI	
VOLUME TITLE: GENERAL	# PAGES: 3							
ACCREDITATION STANDARD (S):	REFERENCE:						CHAPTER 10	
SUBJECT: Profiling & Discriminatory Practices								
ISSUING AUTHORITY : Police Director Bruce Cocuzza 								DISTRIBUTION 1 2
ATTORNEY GENERAL, PROSECUTOR'S OFFICE REFERENCE Attorney General Directive 2005-1 LPD General Order #01/05								EVALUATION DATE: 9/2007

POLICY:

I. PURPOSE

The purpose of this policy is to ensure that the race, ethnicity, age, gender, or sexual orientation of an individual shall not be a basis for the detention, or other disparate treatment of an individual by any member of the City of Lambertville Police Department.

II. DISCUSSION

A fundamental right guaranteed by the Constitution of the United States is equal protection under the law. Along with the right to equal protection is the right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They are also entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

Because of the nature of their business, law enforcement officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. Law enforcement officers must also routinely engage in consensual contacts with citizens and are encouraged to do so. It is these pro-active actions that keep our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.

In accomplishing their mission however, law enforcement officers must utilize sound police

practices and not take any actions based solely upon an individual's race, ethnicity, age, gender, sexual orientation, or physical appearance.

III. POLICY

It shall be the policy of the Lambertville Police Department to prevent and prohibit the practice of discriminatory profiling or any other discriminatory policing practice by members of the Department.

IV. DEFINITIONS

- A. Discriminatory Profiling – the detention, interdiction, or other disparate treatment of an individual on the basis of their race, ethnicity, age, gender, or sexual orientation.
- B. Stop- the restraining of an individual's liberty by physical force or a show of authority.
- C. Detection – the act of stopping or restraining an individual's freedom to walk away, approaching and questioning an individual outside the realm of a consensual encounter, or stopping an individual suspected of being personally involved in criminal activity.
- D. Citizen Contact – A consensual encounter between a police officer and citizens, initiated by either party, wherein the citizen is free to terminate the encounter at any time.
- E. Search – looking for or seeking out that which is otherwise concealed from view.

V. PROCEDURE

- A. **The Discriminatory Profiling of individuals by members of this department is strictly prohibited.**
 - 1. Absent reasonable suspicion based upon articulable and specific facts, the race, ethnicity, age, gender, or sexual orientation of an individual will not be a factor in determining the existence of probable cause to interdict, place in detention, 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 or person.
 - 2. In response to a specific report of criminal activity, race, ethnicity, age, gender, or sexual orientation 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 solely on race, ethnicity, age, gender or sexual orientation or any other prejudicial basis by any member of the department is prohibited.
 - 1. The detention of any individual or vehicle that is not based on factors related to a violation of or investigation of a violation of federal law, the New Jersey Criminal or Motor Vehicle Statutes, the Code of the City of Lambertville, or any combination thereof or that is not conducted utilizing lawful and accepted police practices is prohibited.
 - 2. No officer shall stop, detain, or search any person or vehicle when such action is motivated solely by race, ethnicity, age, gender or sexual orientation.

VI. AUTHORITY AND RESPONSIBILITY

- A. It is the responsibility of all supervisors to provide proper supervision and monitor the officers under their command to ensure compliance with this policy. Supervisors will seek out conduct among their subordinates, that is contrary to this policy and will take corrective action.

- B. It is the responsibility of any employee witnessing behavior contrary to this policy to take immediate action to end such behavior.
- C. It is the responsibility of any employee who believes there is, or is made aware of, of violation of this policy to immediately report it either verbally or in writing to a supervisor.

VII. COMMUNITY OUTREACH

- A. The Police Director will be the department's community liaison for discriminatory profiling issues.

VIII. TRAINING

- A. All police department personnel will receive periodic training about the harms of discriminatory profiling practices as well as in sound police practice, including the review of this policy. This training will be intended to supplement any initial cultural diversity and awareness-training officers receive in the basic recruit-training academy training academy.

CITY OF LAMBERTVILLE POLICE DEPARTMENT

GENERAL ORDER # 01/05

To: All Police Department Personnel
From: Police Director
Subject: ANTI-BIAS BASED POLICING INITIATIVES
Date: August 24, 2005

I. PURPOSE

This directive is promulgated to ensure that department employees do not harass, discriminate against, or target for law enforcement purposes, any person or group of persons because of race, color, religion, ethnic or national origin, gender, sexual orientation, age, disability, medical condition, or inclusion in any other group or classification recognized by law. The policy stated herein is intended to apply to a wide range of individuals and groups within our diverse society. It is not limited solely to issues of racial profiling.

This directive will also establish procedures for collecting, retaining, monitoring and reviewing statistical information concerning the race, ethnicity, and gender of individuals whose contact with police is initiated by police officers via a motor vehicle stop, field interview, arrest without warrant, or other circumstances both consensual and non-consensual, that are applicable but may not be herein described.

II. POLICY

It is the policy of this department that no decision, in whole or in part, to enforce or investigate any criminal and/or traffic offense, or to provide any police service shall be based upon any bias toward any person or group of persons because of race, color, religion, ethnic or national origin, gender, sexual orientation, age, disability, medical condition, or inclusion in any other group or classification recognized by law. In addition, all determinations regarding seizure and/or forfeiture of assets will be in accordance with guidelines and directives established by the Attorney General of the State of New Jersey, the Hunterdon County Prosecutor's Office, and in compliance with other applicable policy. No consideration whatsoever will be given to race, color, religion, ethnic or national origin, gender, sexual orientation, age, disability, medical condition, or inclusion in any other group or classification recognized by law regarding the seizure or forfeiture of assets.

For purposes of this policy, Bias Based Policing shall be the inappropriate application of the physical or social characteristics of any person or group of persons in determining when, why and how to approach, detain, or provide services to them. Such characteristics may only be considered when necessary in providing a detailed description of a specific individual as part of an official law enforcement function.

III. PROCEDURE

A. Motor Vehicle Stops

1. All motor vehicle stops shall be made in compliance with law. They shall be made in such a manner as to provide for the safety of officers, vehicle occupants, other motorists and the general public. These activities shall also be in compliance with the procedures detailed in all other applicable Lambertville Police Department policies, procedures and directives.

2. For every motor vehicle stop, the officer effecting the stop will contact Hunterdon County Communications via radio and advise the dispatcher of the location of the stop and the registration of the stopped vehicle. The officer must also indicate the following information on his/her daily patrol log:

- a. Location of stop.
- b. Vehicle Registration.
- c. Reason for stop (all that apply)
 - Moving Violation (describe-speeding, stop sign, illegal turn etc.)
 - Non-moving violation (describe-equipment defective, unregistered etc.)
 - Ordinance violation (describe- fire zone, noise, restricted parking etc.)
 - Investigation/ suspicious activity (describe)
- d. Race and gender of all vehicle occupants
- e. All summonses, warnings (written or verbal), if someone was arrested, charges and where vehicle was towed, if applicable.

3. Any search conducted in the absence of a search warrant is to be conducted in compliance with department policies and procedures concerning arrest, search and seizure.

4. The communications operator will not be responsible for requesting or otherwise obtaining the information required by this directive. The officer effecting the vehicle stop is required to and will be held responsible for documenting all vehicle stops on daily activity log. Failure to do so may result in disciplinary action.

B. Field Interviews/Terry Stops

1. Field interviews and "Terry Stops" will be conducted in accordance with law for the purpose of identifying actual or potential offenders and depriving them of the opportunity to select the time, place and/or circumstances for the successful commission of crimes. Such interviews and stops will be conducted in compliance with law and applicable department policies and procedures.

2. For every field interview, "Terry Stop" or other police initiated encounter not specifically addressed in this directive, the officer initiating the encounter will be held solely responsible for documenting the following information on daily activity log:

- a. Location of encounter
- b. Identity of the individual(s) when appropriate
- c. Race and gender of individual(s)
- d. Reason for encounter
 - Demeanor or behavior
 - Inappropriateness of individual's presence based on location and time of day or night
 - Investigated reported criminal activity
 - Other suspicious activity

3. When clearing from the encounter, the officer will document what action(s) were taken on daily activity log sheet.

C. Arrest Without Warrant

1. Officers may affect an arrest without a warrant if the person(s) being arrested has committed the offense in the officer's presence or if there is probable cause to believe that the person(s) being arrested has committed or is committing a crime. When there is probable cause to believe that an offense has been committed, but the act was not committed in the officer's presence, the offense must carry a penalty of imprisonment for at least one year.* Otherwise, a warrant must be obtained prior to affecting the arrest. All such arrests will be affected in compliance with department policies and procedures pertaining to arrest, search and seizure.

NOTE: Legislative exceptions to the "In Presence" requirement for Disorderly and Petty Disorderly Persons Offenses apply to offenses covered under the Prevention of Domestic Violence Act, Shoplifting, and Theft of Library Materials.

2. The arresting officer will be responsible for making a notation on daily log sheet that includes the following information:

- a. Location of arrest
- b. Race and gender of person(s) arrested
- c. Offense(s) charged

D. Review and Retention of Data

1. Data collected in accordance with this policy will be retained by the City of Lambertville Police Department for a three-year period as specified by the applicable records retention schedule (New Jersey Local Records Manual, NJ Department of State Division of Archives and Records Management, Appendix B "Retention Schedule Local Police", March 1986). All such data will be made available to the Hunterdon County Prosecutor's Office upon request.

2. The Police Director and/or Integrity Control Supervisor will review the data periodically (at least on an annual basis) to identify and report any indications of bias based trends or practices, or to identify and correct any violations of this directive. The review of the data must take into consideration broad based demographics, vehicle and pedestrian traffic patterns, crime rates, conditions and trends as applicable to specific patrol areas or areas targeted for selective enforcement programs, and frequency with which specific officers are assigned to specific areas or functions. Failure to consider these factors would compromise the results of any review of data.

3. **If a review discloses that this policy has been violated and/or needs revision, the Police Director may initiate disciplinary action and/or other corrective measures as warranted. An internal affairs investigation will be initiated and the Hunterdon County Prosecutor's Office will be notified whenever a review discloses that a member(s) of the department have or are engaging in bias based policing practices.**

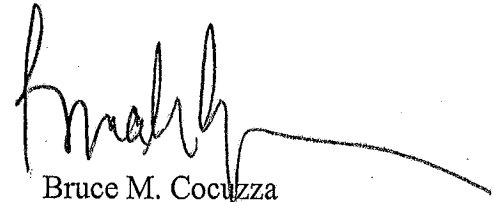
a. Corrective actions may include counseling, training, performance notices, **formal disciplinary and/or criminal charges**, and/or revisions to this policy directive, training programs, or enforcement procedures and practices.

b. Any officer who is found to be intentionally and/or maliciously engaging in bias based policing practices will be subject to termination and may be subject to both civil and criminal liability.

E. Training

1. The department Training Officer will be responsible for ensuring that all members of the department receive initial bias based policing practices training, and receive annual refresher training in Profiling and Discriminatory Policing Practices – **Department Policy and Procedure Volume VI, Chapter 10**. In addition, every newly hired member will be trained and provided with a copy of this directive as well as the above cited policy. Training will also include familiarization with any legislative or court decisions related to bias based policing practices as well as discussions of cultural diversity and interview techniques. All training is to be documented by the Training Officer on each member's permanent training card, in accordance with standard practice.

2. For information, attention and strict compliance.



Bruce M. Cocuzza
Police Director

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2005-1

**ESTABLISHING AN OFFICIAL STATEWIDE POLICY DEFINING AND PROHIBITING
THE PRACTICE OF "RACIALLY-INFLUENCED POLICING"**

WHEREAS, selective enforcement, the discredited practice that is commonly referred to as "Racial Profiling," is a longstanding criminal justice issue that needs to be addressed by every police agency in every jurisdiction throughout the nation; and

WHEREAS, it is the sworn duty of every police agency and officer to protect the civil rights of all persons, and to safeguard the inalienable right to the equal protection of the laws; and

WHEREAS, if a police officer were to rely upon a person's race or ethnicity when making decisions and exercising law enforcement discretion, the result would be to undermine public confidence in the fairness and integrity of the criminal justice system, alienate significant segments of our society, foster disrespect for law enforcement authority and the institutions of government, and ultimately erode public support for law enforcement efforts to investigate and deter crime; and

WHEREAS, the law of selective enforcement under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution is complex and evolving. While judicial decisions interpreting the Constitution serve as important guideposts for the law enforcement community, the courts are not the sole guardians of the Constitution; the Executive Branch is equally sworn to uphold it. Furthermore, in New Jersey the Attorney General may establish law enforcement policies designed to safeguard civil rights that go beyond the requirements of federal and State constitutional law. It is, therefore, appropriate to promulgate a uniform and comprehensive statewide policy that explains in clear terms when and under what circumstances police officers are permitted to consider, and are prohibited from considering, a person's race or ethnicity; and

WHEREAS, the documented success of the New Jersey State Police in addressing the racial profiling issue by establishing a clear nondiscrimination policy, and by providing state-of-the-art training and effective management to all State Police members can and should serve as a model to be followed by other law enforcement agencies in New Jersey and throughout the nation; and

WHEREAS, the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., provides that it is the responsibility of the Attorney General, as the chief law enforcement officer of the State, to ensure the uniform and efficient enforcement of the criminal laws;

NOW, THEREFORE, I, PETER C. HARVEY, Attorney General of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., do hereby **DIRECT** the following:

1. Official State Policy Prohibiting Discriminatory Policing

a. No police agency or sworn officer or civilian employee of a police agency, while operating under the authority of the laws of the State of New Jersey, shall engage in or tolerate any practice or act constituting "racially-influenced policing" as described in Section 2 of this Law Enforcement Directive.

b. Every police agency operating under the authority of the laws of the State of New Jersey shall, within 60 days of the effective date of this Directive, promulgate and enforce a Rule, Regulation, Standing Operating Procedure, Directive or Order, in a form as may be appropriate given the customs and practices of the agency, which shall prohibit all sworn officers and civilian employees of the agency from engaging in or tolerating any practice or act constituting racially-influenced policing as described in Section 2 of this Law Enforcement Directive. Such Rule, Regulation, Standing Operating Procedure, Directive, or Order shall be consistent with the provisions of this Law Enforcement Directive, and with the training materials distributed by the Division Criminal of Justice in the Attorney General's Office, pursuant to Section 3a of this Directive, and shall provide that any sworn officer or civilian employee of the agency who knowingly violates the agency's Rule, Regulation, Standing Operating Procedure, Directive or Order shall be subject to discipline.

2. Conduct Constituting Racially-Influenced Policing

a. A sworn officer or civilian employee of a police agency acting under the authority of the laws of the State of New Jersey shall not consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be involved in criminal activity, or as a factor in exercising police discretion as to how to stop or otherwise treat the person, except when responding to a suspect-specific or investigation-specific "Be on the Lookout" (B.O.L.O.) situation as described both in this Directive and in training materials developed by the Division of Criminal Justice pursuant to Section 3a of this Law Enforcement Directive.

b. Nothing in this Law Enforcement Directive shall be construed in any way to prohibit a police agency or sworn officer or civilian employee from taking into account a person's race or ethnicity when race or ethnicity is used to describe physical characteristics that identify a particular individual or individuals who is/are the subject of a law enforcement investigation, or who is/are otherwise being sought by a law enforcement agency in furtherance of a specific investigation or prosecution.

3. Development and Dissemination of Training Materials and Curricula

a. The Division of Criminal Justice shall within 30 days of the effective date of this Law Enforcement Directive develop and disseminate initial training materials, which shall consist of a video presentation in a DVD format and accompanying written reference materials (a Companion Guide and Skills Assessment), that explain and discuss the nondiscrimination policy set forth in this Law Enforcement Directive. A copy of these initial training materials shall be provided without cost to every police agency operating under the authority of the laws of the State of New Jersey. The Division of

Criminal Justice may periodically review and update these training materials to account for new developments in the law.

b. The Division of Criminal Justice shall within 90 days of the effective date of this Law Enforcement Directive develop curricula on the subject of racially-influenced policing for use in the pre-service training of police recruits. The Division shall submit this curricula to the Police Training Commission for its approval for use at all Police Academies that are subject to the jurisdiction of the Police Training Commission.

c. In order to institutionalize and build upon the successful reforms that have already been undertaken by the New Jersey State Police, the Division of State Police shall include the curricula developed by the Division of Criminal Justice on the subject of racially-influenced policing in the pre-service training of Trooper recruits in the State Police Training Academy. This comprehensive training on racially-influenced policing shall be included for all recruits who attend the State Police Academy in any class beginning on or after September 1, 2005.

4. Confirmation of Initial In-Service Training

a. Every police officer operating under the authority of the laws of the State of New Jersey, regardless of rank or duty assignment, shall participate in the training program developed by the Division of Criminal Justice within 180 days of the employing agency's receipt of the training materials described in Section 3a of this Law Enforcement Directive. The Chief Executive of every police agency operating under the authority of the laws of the State of New Jersey shall also designate those civilian employees of the agency (e.g., dispatchers) who will participate in this initial training program. A person shall be deemed to have participated in the training program by viewing the entire video presentation developed by the Division of Criminal Justice, or by reading the entire contents of the Companion Guide. The viewing of the video presentation may be done at such location(s) or time(s) as may be approved by the Chief Executive of the law enforcement agency, and may be accomplished in multiple sessions at which one or more employees view a selected portion of the video presentation during any one session.

b. Within 180 days of receiving a copy of the training materials described in Section 3a of this Law Enforcement Directive, the Chief Executive of every police agency operating under the authority of the laws of the State of New Jersey shall confirm in writing to the Attorney General that all sworn personnel and all appropriate civilian employees of the agency have either viewed the video presentation or read the entire Companion Guide. The Division of Criminal Justice shall prepare and disseminate forms to facilitate the confirmation process for State, county and local police agencies.

5. Notification of Criminal Investigations and Prosecutions for Official Deprivation of Civil Rights

Whenever a law enforcement agency conducts a criminal investigation into possible commission of the crime of official deprivation of civil rights in violation of N.J.S.A. 2C:30-6, or pattern of official misconduct in violation of N.J.S.A. 2C:30-7 which is based on two or more violations of N.J.S.A. 2C:30-6, the law enforcement agency shall promptly notify the Director of the Office of Government Integrity, and shall provide such information as the Office of Government Integrity may require. Whenever a prosecuting authority files a complaint, accusation or indictment charging a violation of N.J.S.A. 2C:30-6, or N.J.S.A. 2C:30-7 which is based on two or more violations of N.J.S.A. 2C:30-6, the prosecuting authority shall promptly notify the Director of the Office of Government Integrity, and shall forward a copy of the charging documents to the Director. When the Director is notified of a criminal investigation or the filing of a criminal charge, the Office of Government Integrity shall promptly review the matter, and take such action as it determines to be appropriate. The Office of Government Integrity, in consultation with the Division of Criminal Justice and the County Prosecutors, may issue standards and procedures for these notifications and for its review of the offenses covered under this Section.

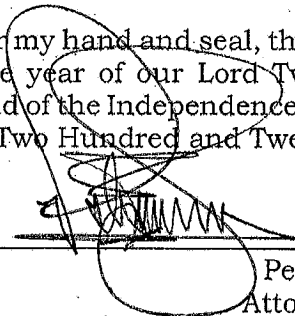
6. Questions and Controversies

All questions concerning the interpretation, implementation or enforcement of this Law Enforcement Directive shall be addressed to the Attorney General or his designee.

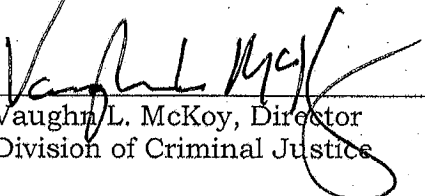
7. Effective Date

This Law Enforcement Directive shall take effect immediately and shall remain in full force and effect unless and until repealed, amended, or superceded by Order of the Attorney General.

Given under my hand and seal, this 28th day of June, in the year of our Lord Two Thousand and Five, and of the Independence of the United States, the Two Hundred and Twenty-Ninth.


Peter C. Harvey
Attorney General

Attest:


Vaughn L. McKoy, Director
Division of Criminal Justice