



**Central Falls Police Department
Investigative Report**

Case #: 19-8-IA

Date/Time Reported: 06/05/2019 @ 1800
 Report Date/Time: 06/06/2019 @ 1256
 Occurred Between: 06/05/2019 @ 1745
 And: 06/05/2019 @ 1800
 Complaint Type: Civilian
 Disposition: Not Sustained

Reporting Officer: [REDACTED]

Signature: _____

#	OFFENSE(S)	A/C	TITLE/CHAP	SECTION
	LOCATION TYPE: Highway/Road/Alley/Street BROAD ST @ SHERIDAN ST 747 BROAD ST CENTRAL FALLS RI 02863		Zone: ZONE 3	
1	UNSATISFACTORY PERFORMANCE OCCURRED: 06/05/2019 1745	C	42	A
2	TRAFFIC ENFORCEMENT POLICY OCCURRED: 06/05/2019 1745	C	230	02

#	OFFICER(S)	SEX	RACE	AGE	SSN	PHONE
1	[REDACTED] 160 ILLINOIS ST CENTRAL FALLS RI 02863 CONTACT INFORMATION: Home Phone (Primary) 401-727-[REDACTED]	M	W	[REDACTED]	NOT AVAIL	401-727-[REDACTED]
	BODY: NOT AVAIL. DOB: [REDACTED]/1964 LICENSE NUMBER: [REDACTED]				COMPLEXION: NOT AVAIL. PLACE OF BIRTH: NOT AVAIL. ETHNICITY: NOT HISPANIC	
	EMPLOYER/SCHOOL: CENTRAL FALLS POLICE • 401-727-[REDACTED]					

Attachments for 19-8-IA		Type
Description	Attachment#	
CITIZEN COMPLAINT FORM	Attachment#: 23E915762129418C80C37267DA6F7582	PDF
EXTENSION LETTER TO COLONEL	Attachment#: 74FBE4E277354B7D9AA5920921DE6BCC	DOCK

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PERSONNEL NARRATIVE FOR [REDACTED]

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Entered: 10/18/2019 @ 1231
Modified: 10/18/2019 @ 1231
Approved: 10/18/2019 @ 1231

Entry ID: JT
Modified ID: JT
Approval ID: JT

On 06/06/2019 a Central Falls Police Department Citizen Complaint form was submitted to the Office of Professional Standards and Training by an anonymous complainant in regards to an unsatisfactory performance allegation an officer who was on a motor vehicle stop on 06/05/2019 around "0545" according to the Citizen Complaint Form. The complaint did not list a location for the incident or any identification for the officer alleged.

On 06/06/2019, [REDACTED] was informed of the complaint and requested an internal investigation be conducted. At the request of the Chief of Police, I, [REDACTED] began an investigation into the allegation. I conducted a dispatch records search for 06/05/2019 looking for any vehicle stops around 0545 hours and found none logged. I conducted a check for around 1745 hours and located a motor vehicle stop on Broad Street near Fales Street at 1746 hours (call #19-12487). The primary on this stop was [REDACTED] in Unit 205.

During the day of 06/06/2019, it was brought to my attention a video was posted on YouTube (streamed live) on 06/05/2019 on Auditing America involving a traffic stop with [REDACTED] (<https://youtu.be/YtDx8rVc16E>).

On 08/31/2019, I, [REDACTED] submitted a request for an extension in this investigation beyond 90 days due to other duties associated with a CALEA web-based assessment taking place during this time frame.

Facts:

On 06/05/2019, [REDACTED] was assigned in Unit 205 to a seatbelt enforcement detail, funded by the Rhode Island Department of Transportation Office on Highway Safety. [REDACTED] was conducting motor vehicle stops on Broad Street related to occupant protection violations. At approximately 1746 hours, [REDACTED] conducted a motor vehicle stop (call #19-12487) and subsequently issued a state citation for seatbelt as reflected in the call narrative. The call narrative notes the officer clears the stop.

Based on the Auditing America live streamed video, this call appears to be the incident alleged in the anonymous complaint. The allegation of unsatisfactory performance appears to take place after the motor vehicle stop has concluded and [REDACTED] appears to have a brief conversation with two patrons of La Sopresa in the parking lot, on Broad Street. At the 9:30 mark of the video, one of the cameramen states, "See they are cops" and points at the two subjects speaking with [REDACTED] in the parking lot. The cameramen cross the road "illegally" against oncoming traffic and not in a crosswalk and began filming the subjects as they are leaving and [REDACTED] is reversing onto Broad Street to clear the call.

The cameramen point out in the camera several equipment violations, including a plate cover on the rear of the vehicle and no plate in the front. As they make these allegations on camera, the video clearly displays all of [REDACTED] windows in his cruiser are up and neither cameraman attempts to engage [REDACTED] to point out any of the violations. The allegation states "the officer was notified and did nothing", however, based on the live streamed video, the officer was never directly notified of these alleged violations. The Citizen Complaint further alleges no seatbelts were being worn. However, in two still frames

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from the video, the operator can clearly be seen through the window wearing a seatbelt before exiting the parking lot. The passenger is not in view of any of the videos once seated in the silver Infiniti. The parties in the video further allege the occupants of the Infiniti are "undercover officers" and claim them to be Central Falls officers. Neither civilian depicted entering the Infiniti are employed by the Central Falls Police Department.

Review of [REDACTED] Assignment:

On 06/05/2019, [REDACTED] was assigned to a citywide seatbelt enforcement detail in Unit 205, a marked SUV. This detail is funded by the Rhode Island Department of Transportation Office on Highway Safety, specifically designated as "Click-it-or-Ticket" - Occupant Protection Program. The primary focus of [REDACTED] assignment was to enforce occupant protection violations per the grant. [REDACTED] was on a vehicle stop enforcing occupant protection laws per his assignment. The alleged unsatisfactory performance by [REDACTED] based on the complaint and video appears to occur as the silver Infiniti is leaving the parking lot of La Sopresa after the conclusion of the other vehicle stop. Based on video and photo evidence, there was no seatbelt violation present by the occupants of the silver Infiniti. The other alleged violations were equipment violations which are considered "non-NHTSA" violations per the grant program. These non-moving violations are not part of the directed enforcement efforts and per the strict grant guidelines and problem identifications would classify as supplanting if regularly enforced on the grant program.

Policy Review

The Central Falls Police Department has a policy regarding traffic enforcement, General Order #230.02, Traffic Enforcement Policy, effective 11/24/2014 and last issued on 06/03/2019. This policy specifically governs directed enforcement and general traffic enforcement.

In Section III (A) (4), the policy states:

"Enforcement will not be based on quotas, but will be of a directed nature, based on identified needs and resulting from information based upon:

- a. Accident locations and severity.
- b. Citizen complaints.
- c. Officer observations.
- d. Enforcement activity records.
- e. Traffic conditions.
- f. Traffic data studies and analysis"

The "Click-it-or-Ticket" grant program specifically is governed by this section. The agency does not participate in a quota, however, directed enforcement for occupant protection is identified by the criteria covered in this section and identified in the federal grant application process.

In Section III (D) (1) (b) specifically covers an officer(s) discretion with respect to enforcement and issuance of citations.

"b. Discretion may be used when enforcing violations"

It is imperative for the functioning of the agency that an officer retains "discretion" per the policy with

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respect to traffic enforcement. Any mandate to enforce every violation observed with a stop and citation would cause officers to consistently be out of service enforcing such violations, and thus not free to be available for other calls for service or patrol and deter other crime.

Findings:

As this complaint was filed anonymously, there was no mechanism to follow up with the complainant or any potential witnesses and no additional or specific information was provided to further support allegations of unsatisfactory performance or violation of policy. The investigation determined the operator of the Infiniti was belted before entering the roadway (Broad Street). The investigation also determined [REDACTED] windows were up and nobody ever approached the marked SUV to point out any motor vehicle infractions. [REDACTED] was on a directed patrol funded by a grant program and was performing his duties as directed. The investigation determined there was no apparent bias or abuse of discretion by [REDACTED] in his conduct during this directed patrol.

1. **Rules and Regulations, Chapter II, Section 42 (a) UNSATISFACTORY PERFORMANCE:** In which it was alleged on June 5th, 2019, [REDACTED] displayed an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's position; failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.

Finding: NOT SUSTAINED

2. **Policy, General Order 230.02 – TRAFFIC ENFORCEMENT POLICY:** In which it was alleged on June 5th, 2019, [REDACTED] did not adhere to or follow procedures for traffic enforcement activities, including general and specialized enforcement, traffic stops, physical arrests, summonses, and citation procedures.

Finding: NOT SUSTAINED