



New York State University Police

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|  | SUBJECT Equitable Policing | GENERAL ORDER NUMBER 101.30 |
| | DCJS STANDARDS | EFFECTIVE DATE April 1, 2015 |
| | APPROVAL Richard Bialkowski, Chief of University Police | REVISION DATE July 21st, 2021 |
|  | | April 8, 2019 |

A. PURPOSE:

The purpose of this order is to reaffirm the commitment of the New York State University Police Department at SUNY Cobleskill and it’s members to equitable and unbiased policing, to prohibit and prevent biased-based profiling, to clarify the circumstances in which members can consider race or ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing services and enforcing the laws in an equitable and bias-free manner.

B. DEFINITIONS:

Words and phrases used in this General Order and other Departmental documents will have their normal and plain meaning and definitions unless otherwise defined. Other orders, directives, memoranda, etc. may contain additional definitions pertinent to the subject matter of the particular document. The following words and phrases will be defined as follows:

1. Bias-Based Profiling: The term, “bias-based profiling” means the selection of individuals for police actions based solely on a trait common to a group. Traits include, but are not limited to, race, ethnic background, gender, sexual orientation, religion, age, cultural group, or any other identifiable group. It also includes improper use of these traits as a motivating factor in taking or refraining from police actions or in making law enforcement decisions.

2. Police Actions: For purposes of this Order, “police actions” refers to any official police action, including but not limited to arrests, consensual and nonconsensual searches, property seizures, traffic stops, investigative detentions, field contacts, and asset seizure or forfeiture.

C. POLICY:

1. All members of the NYS University Police Department at SUNY Cobleskill will perform their duties in an unbiased and equitable manner at all times, and will respect the dignity of all persons.

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2. Members will not take any police actions, nor will they refrain from taking any police actions, based upon a person's race, color, sex, sexual orientation, religion, disability, or ethnic or national origin nor will they engage in bias-based profiling. The NYS University Police Department at SUNY Cobleskill will not tolerate biased-based profiling or other inequitable or biased-based police actions.
3. All police actions will be conducted in accordance with the United States Constitution, the Constitution of the State of New York, applicable Federal, State, and local laws, and Departmental policies and procedures.
4. Investigative detentions, traffic stops, arrests, searches, and property seizures will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment to the United States Constitution and other applicable laws. Members must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, searches, and property seizures.
5. No trait common to a group, as identified in the "Biased-Based Profiling" definition above, may be used as the sole basis in establishing reasonable suspicion or probable cause nor may it be used as a general indicator of criminal activity.
6. Except as provided below in § D, members shall not consider any trait common to a group, as identified in the "Biased-Based Profiling" definition above:
 - a. In establishing either reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, searches, and property seizures;
 - b. In deciding to request for consent to search; or
 - c. As a motivating factor in taking police actions or making law enforcement decisions.
8. Members will not use abusive or demeaning language intended for or directed to any person, or in the presence of any person, related to race, color, sex, sexual orientation, religion, disability, or ethnic or national origin.
9. Members will use gender-inclusive language whenever appropriate.

D. PROCEDURES:

1. Allowable Use of Race or Ethnicity

- a. Members may consider any trait common to a group, as identified in the "Biased-Based Profiling" definition above, when it is part of the description of the suspect(s) in a specific reported offense.
- b. Members may consider the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race or ethnicity to a particular unlawful incident(s).

Note: *The trustworthy, relevant information must link specific suspected unlawful activity in*

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our local area to a person or persons of a particular race or ethnicity. The requirement of specific suspected unlawful activity precludes the use of race or ethnicity as a general indicator of criminal activity. The information must pertain to a specific type of unlawful activity (e.g., residential building burglaries) or a category of unlawful activity (e.g., activities related to illegal drug production/distribution). The information need not be generated locally but must be relevant to the local situation.

2. Preventing Perceptions of Biased Policing

a. In an effort to prevent inappropriate perceptions of biased law enforcement, members shall adhere to the following procedures when conducting pedestrian and vehicle stops, unless doing so will compromise officer or public safety, or compromise a legitimate law enforcement objective, action, or operation. See G.O. – 310.10 *Vehicle and Traffic Enforcement*.

- 1) Members will be courteous and professional.
- 2) Members will introduce themselves to the subject(s) (providing name and agency affiliation), and state the reason for the stop.
- 3) Members will ensure that a detention is no longer in duration than is necessary to accomplish lawful and legitimate law enforcement objectives or actions. Members will explain the need to prolong the detention if applicable.
- 4) Members will answer reasonable questions the subject(s) may have pertaining to the stop, including explaining options for traffic citation disposition, if applicable.
- 5) Upon request, members will provide their name and identification number to the subject(s), in writing if so requested.
- 6) In the event that further investigation shows that basis for the stop was unfounded (e.g., an investigative detention during which it is determined the subject has done nothing wrong), members will explain the situation unless doing so will compromise officer or public safety, or compromise a legitimate law enforcement objective, action, or operation.

3. Reporting Responsibilities

a. Members will fully document the facts and circumstances surrounding pedestrian or vehicle stops conducted for investigative reasons.

4. Training

a. The Department will provide training to personnel in bias-based profiling issues including legal aspects.

5. Supervisory Responsibilities

a. Department supervisors will be apprised of all biased-based profile complaints involving personnel under their command.

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- b. It is the responsibility of the supervisor(s) to monitor the activities and reports of their personnel and to identify potential biased-based activity.
- c. The Chief of Police or designated supervisors will periodically review a sampling of written reports and citizen contacts to monitor activity.
- d. Personnel reviewing these reports will be particularly alert to potential patterns and practices of their personnel that may indicate biased-based profiling and treatment of individuals.
- e. In the event any evidence of biased-based activity is discovered the supervisor will document his/her findings and forward a report to the Chief of Police.

6. Complaints of Bias-Based Profiling or Inequitable Police Actions

- a. Any Department member contacted by a person who wishes to file a complaint alleging bias-based profiling or other improper use of race, ethnicity, or other group trait in any police action or law enforcement decision will direct the person to an on-duty supervisor or the Chief to initiate an investigation of the complaint. All complaints will be handled in accordance with G.O 140.10 – *Internal Affairs and Citizen Complaints* and in accordance with established Department procedures. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- b. The Chief of Police will be advised of all complaints involving biased-based profiling.
- c. In the event that instances of bias-based profiling or other violations of this policy are sustained, appropriate corrective measures will be taken. Corrective measures may include but are not limited to, training, counseling, policy review, and formal discipline.

E. ADMINISTRATIVE REVIEW:

1. Annual Administrative Review

- a. On an annual basis the Chief of Police or the Chief's designee will complete an administrative review of the department's practices in relation to equitable policing. This review will include a summary of:
 - (1) Bias-related complaints and citizen concerns otherwise communicated to the Department, if any;
 - (2) Training provided to Department personnel relating to bias issues;
 - (3) Community outreach efforts; and other information related to the overall relationship between the Department and the minority community.