

EQUITABLE POLICING			
<input type="checkbox"/> new: <input type="checkbox"/> rescinds: <input checked="" type="checkbox"/> amends: All previous		cross-reference: SUNY Police Manual 2.26	
effective date: March 5, 2007		amend date: June 06, 2018	
		accreditation standards:	

I. PURPOSE

The purpose of this Order is to reaffirm the commitment of the University Police Department to equitable and unbiased policing, to prohibit and prevent biased-based profiling, to clarify the circumstances in which officers 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.

II. DEFINITIONS

Words and phrases used in this General Order and other departmental documents will have standard and plain meaning and definition unless otherwise defined. Other orders, directives, memoranda, etc., may contain additional definitions pertinent to the subject matter of the particular document. (See SUNY State-Wide Police Manual section 2.26). The following words and phrases will be defined as follows:

- **Bias-Based Profiling:** The term “bias-based profiling” means selecting 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 making law enforcement decisions.
- **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.

III. POLICY

- A. All members of the University Police Department will perform their duties in an unbiased and equitable manner and respect the dignity of all persons.
- B. Officers will not take any police actions, nor will they refrain from taking any police actions based upon a person's race, color, gender identity, sexual orientation, religion, disability, ethnic or national origin, nor will they engage in bias-based profiling. The University Police Department will not tolerate biased-based profiling or other inequitable or biased-based police actions.
- C. 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, departmental policies, and procedures.
- D. Investigative detentions, traffic stops, arrests, searches, and property seizures will be based on a standard of reasonable suspicion or probable cause under the Fourth Amendment to the United States Constitution and other applicable laws. Officers must articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, searches, and property seizures.
- E. As identified in the "Biased-Based Profiling" definition above, no trait common to a group 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.
- F. Except as provided below in § IV, officers shall not consider any trait common to a group, as identified in the "Biased-Based Profiling" definition above:
 - 1. In establishing either reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, searches, and property seizures;
 - 2. In deciding to request consent to search; or
 - 3. As a motivating factor in taking police actions or making law enforcement decisions.
- G. 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, gender identity, religion, disability, or ethnic or national origin.

IV. PROCEDURE

A. Allowable Use of Race or Ethnicity

Officers may consider race or ethnicity, as identified in the definition above when it is part of the description of the person(s) in a specific reported incident and when knowing this information may aid in locating the subject.

B. Preventing Perceptions of Biased Policing

1. To prevent inappropriate perceptions of biased law enforcement, each officer shall adhere to the following procedures when conducting community inquiries, contacts or stops.
 - Officers will be courteous and professional at all times.
 - The officer will introduce him or herself to the subject(s) (providing their name and agency affiliation) and state the reason for the inquiry, contact, or stop.
 - Officers will ensure that the detention is not lengthy in duration than is necessary to accomplish lawful and legitimate law enforcement objectives or actions. Officers will explain the need to prolong the detention if applicable.
 - Officers will answer reasonable questions the subject(s) may have about the inquiry, contact, or stop, including explaining options for responding to a traffic citation, if applicable.
 - Upon request, officers will provide their name and identification number to the subject(s) in writing if so requested.
 - If further investigation shows that the basis for the stop is unfounded (i.e., investigative detention during which it is determined the subject is not involved), officers will explain the situation, apologize for the inconvenience and answer any questions the person may have.

C. Reporting Responsibilities

1. Officers will fully document the facts and circumstances surrounding the inquiry, contact, or stop conducted for investigative reasons.

D. Training

1. The department will provide periodic training to personnel in bias-based profiling issues, implicit bias, and Fair & Impartial Policing. Amended 06/06/2018

E. Supervisory Responsibilities

1. Department supervisors will be apprised of all biased-based profile complaints involving personnel under their command.
2. It is the supervisor's responsibility of the supervisor(s) to monitor the activities and reports of their personnel and identify potential biased-based activity.
3. The Chief of Police and designated supervisors will periodically review a sampling of all video systems, written reports, and citizen contacts to monitor activity.
4. Command staff reviewing video systems will be particularly alert to potential patterns and practices of their personnel that may indicate biased-based profiling and treatment of individuals.
5. In the event, any evidence of biased-based activity is discovered, the supervisor will document their findings and forward a report to the Chief of Police

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

1. Any department personnel contacted by a person who wishes to file a complaint alleging bias-based profiling or other improper use of race, ethnicity, or other group traits in any police action or law enforcement decision will direct the person to an on-duty supervisor, Assistant Chief or the Chief to initiate an investigation of the complaint. All complaints will be handled in accordance with G.O – *Personnel Complaints and Internal Investigations* and by 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.
2. The Chief of Police will be advised of all complaints involving biased-based profiling.
3. If instances of bias-based profiling or other violations of this policy are sustained, appropriate corrective measures will be taken. Corrective actions may include but are not limited to training, counseling, policy review, and formal discipline.

IV. ADMINISTRATIVE REVIEW

A. Periodic Administrative Review

1. Periodically the Chief of Police or the Chief's designee will complete an administrative review of the department's practices concerning equitable policing and report statistics to the Campus Safety Committee. This review will include a summary of:
 - Bias-related complaints and citizen concerns otherwise communicated to the department, if any;
 - Training provided to department personnel relating to bias issues;
 - Community outreach efforts; and other information related to the overall relationship between the department and the community.

BY ORDER OF

Mark T. DePaull

Mark T. DePaull
Chief of Police