SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
LAW ENFORCEMENT DIVISION DIRECTIVE

DIRECTIVE #: D 370	**PAGE:** 1 of 2
SUBJECT: Fair and Impartial Policing	**DATE:** May 20, 2024
RELATED DIRECTIVES, STANDARDS, ETC.: P701.01, P701.03, D321, NAWLEA 1.05	**LAST REVISION:** [Type here]
RESPONSIBLE AUTHORITY: DEPUTY DIRECTOR OF LAW ENFORCEMENT	

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I. PURPOSE

The purpose of this directive is to require that all sworn personnel of the South Carolina Department of Natural Resources (SCDNR) Law Enforcement Division conduct policing in a fair and impartial manner when making law enforcement decisions and to reinforce processes and procedures that enable all sworn officers to provide services and enforce laws in an equitable and impartial way.

II. STATEMENT

When a police action which is biased violates the "equal protection" clause of the US Constitution, it also alienates citizens, fosters distrust of police, and undermines legitimate law enforcement efforts. It is the practice of the SCDNR Law Enforcement Division to prohibit biased policing, to train all members engaged in enforcement activities in the prohibition against biased policing, and to thoroughly investigate all complaints of biased policing. Unless a sworn member of the Law Enforcement Division is attempting to apprehend a suspect in a reported crime, a sworn member shall not consider a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group, when taking law enforcement action.

III. DEFINITIONS

A. *Biased policing* is conduct by law enforcement officers motivated by an individual's actual or perceived or self-identified personal characteristics. (NAWLEA 1.05 (c))
B. *Bias-based profiling* is law enforcement action taken by a law enforcement officer to stop, detain, interdict, or search an individual based on race, ethnic background, gender, sexual orientation, gender identity, marital status, mental or physical disability, age, religion and socio-economic status. (NAWLEA 1.05 (c))
C. *Reasonable suspicion* is suspicion, for which an officer can articulate factual reasons, does not need to rise to the level of probable cause. (NAWLEA 1.05 (c))
D. *Probable cause* is facts or circumstances that would lead a reasonable person to believe that a crime has been committed, or is being committed, or is about to occur. (NAWLEA 1.05 (c))

IV. PROCEDURES

A. **Employee and Supervisor Responsibilities:**
All sworn personnel will perform law enforcement actions based upon federal law, South Carolina state law, SCNDR policies and Law Enforcement Division directives. The Law Enforcement Division prohibits

the use of bias policing just to justify taking law enforcement action. Officers must be able to clearly articulate the specific policy, regulation, law, or public safety purpose of any law enforcement action.

1. Supervisors shall ensure that all members in their command are familiar with the content of this directive and are operating in compliance with it.
2. All Law Enforcement Division sworn personnel are required to participate in biennial training related to fair and impartial policing. (NAWLEA 1.05 (a))

B. **Training:**

1. The Law Enforcement Division Training Section will provide training on bias policing, including issues and legal aspects, to all sworn employees before they are released from their Field Training Program and all other Law Enforcement Division sworn personnel on a biennial basis. (NAWLEA 1.05 (a))
2. All training on bias policing, whether internal or external will be documented by the Training Section utilizing the PowerDMS software platform.
3. The Deputy Director of Law Enforcement may also approve external training to comply with this directive's training requirement. (NAWLEA 1.05 (a))

C. **Disciplinary Procedures:**

1. Law Enforcement Division employees participating in bias policing or other discriminatory practices may be required to attend mandatory training or face disciplinary actions up to and including termination. (NAWLEA 1.05 (b))
2. Any Law Enforcement Division employee's failure to report observed or known violations of federal or state laws, SCDNR policies or directives related to fair and impartial policing may result in disciplinary action against the party who fails to report such conduct up to and including termination. (NAWLEA 1.05 (b))

D. **Investigations and Administrative Review:**

The Lt Colonel of the Law Enforcement Division or designee is responsible for the administration of investigations and annual administrative reviews of procedures, policies, directives, and incidents related to fair and impartial policing. The Lt Colonel will submit an annual report of the review findings and handling of complaints regarding fair and impartial policing to the Deputy Director of Law Enforcement and the Director of SCDNR. (NAWLEA 1.05 (e)) (NAWLEA 1.05 (f))

E. **Community Education and Awareness Efforts:**

The Deputy Director of Law Enforcement or designee is the community liaison for biased policing issues. The Deputy Director of Law Enforcement or designee shall, upon request, meet with groups affected by this policy and provide community education and updates on the Law Enforcement Division's awareness efforts.

1. Information regarding the Law Enforcement Division's directive against biased policing is available on the Division's web site for public viewing. (NAWLEA 1.05 (d))
2. All sworn members who appear in public shall attempt to educate citizens regarding the Law Enforcement Division's prohibition against biased policing when prompted. (NAWLEA 1.05 (d))

APPROVED: A C Frampton

A.C. Frampton, Colonel