



<b>EQUITABLE POLICING</b>		
✓ <b>new:</b> <b>rescinds:</b> <b>amends:</b>		<b>cross-reference:</b>  <b>accreditation standards:</b> NYSLEAP Standard(s):
<b>effective date:</b> June, 2020	<b>amend date:</b>	

**I. PURPOSE**

The purpose of this General Order is to reaffirm the commitment of the Tompkins County Sheriff's Office 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**

*Bias-Based Profiling/Policing:* Bias-based policing occurs when an officer makes a decision or takes police action based upon his or her own personal or societal biases or stereotypes, rather than relying on facts and observed behaviors. Bias-based profiling is the use of race, ethnicity, gender, sexual orientation, religion, economic status, age, culture, mental or physical disabilities, or immigration status as the sole basis for police activity. The absence of facts, suspicious activity, or specific criminal information is what separates bias-based profiling from legitimate criminal profiling. It also includes improper use of these biases or stereotypes as a motivating factor from refraining from police actions or in 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 Sheriff's Office will perform their duties in an unbiased and equitable manner at all times, and will 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, or ethnic or national origin nor will they engage in bias-based profiling. The Tompkins County Sheriff's Office will not tolerate biased-based profiling/policing 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, and office 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 in accordance with the Fourth Amendment to the United States Constitution and other applicable laws. Officers 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.
- E. 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 general indicator of criminal activity.

#### IV. **PROCEDURE**

##### A. Allowable Use of Race or Ethnicity

Officers 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.

- 1. Officers may take into account 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 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.*

##### B. Community Relations

- 1. To cultivate and foster transparency and trust with all communities each officer shall adhere to the following procedures when conducting pedestrian and vehicle stops or otherwise interacting with members of the public, unless doing so would compromise officer or public safety, or compromise a legitimate law enforcement objective, action, or operation.
  - Be courteous and professional.
  - Introduce themselves to the subject(s), providing name and agency affiliation, and state the reason for the stop.
  - Ensure that a detention is no longer 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 pertaining to the stop, including explaining options for traffic citation disposition, if applicable.

- Upon request, officers will provide his or her name and identification number to the subject(s), in writing if so requested.
- In the event that further investigation shows that the basis for the stop was unfounded (e.g., an investigation detention during which it is determined the subject has done nothing wrong), officers will explain the situation unless doing so will compromise officer or public safety, or compromise a legitimate law enforcement objective, action, or operation.

C. Reporting Responsibilities

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

D. Supervisory Responsibilities

1. Office supervisors will be apprised of all biased-based profile complaints involving personnel under their command.
2. It is the responsibility of the supervisor(s) to monitor the activities and reports of their personnel and to identify potential biased-based activity.
3. The Sheriff or designated supervisors will periodically review a sampling of on-body recording device recordings, written reports and community contacts to monitor activity.
4. Personnel reviewing on-body recording device material 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 Sheriff through the chain of command.

E. Complaints of Bias-Based Profiling/Policing or Inequitable Police Actions

1. Any office 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 trait in any police action or law enforcement decision will direct the person to an on-duty supervisor, Lieutenant or the Undersheriff to initiate an investigation of the complaint. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint. Complaints can be filed by utilizing the Complaint/Commendation Form tab on the Tompkins County Sheriff's Office webpage. If the person seeking to file a complaint states that they do not have access to a computer, office personnel shall provide them with a hard copy of the form. Office personnel should also provide the person wishing to file a complaint with a Public Complaint or Commendation Process Pamphlet and/or direct them to the Sheriff's Office webpage for information on the process. *See Attachments.*
2. The Sheriff will be advised of all complaints involving biased-based profiling/policing.
3. 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.

F. Responding to Bias-Based Reports or Reports Regarding Bias from the Community

1. If any Sheriff's Office member receives a call for service that appears to be based solely on an individual's perceived personal characteristics or immigration status, the officer will attempt to ascertain if there are other circumstances or facts that would constitute reasonable suspicion or probable cause. If the complainant can offer no further information, the complainant will be advised that the shift supervisor will be in contact at the first opportunity.
2. The supervisor should attempt to familiarize the caller with the office's equitable policing policy and Section 1, Subdivision 2 of section 79-n of the civil rights law; which provides for a civil cause of action to anyone in a protected group against an individual who summons the police or a peace officer without reason "suspect a violation of the penal law, any other criminal conduct, or an imminent threat to a person or property." A person is considered to lack reason for suspicion where a reasonable person would not suspect such violation, conduct, or threat.
3. At the conclusion of the call, the supervisor will document the contact in an incident report.

G. Training

1. The office will provide periodic training to personnel in bias-based profiling issues and Fair & Impartial Policing.
2. The office will collaborate with community stakeholders to identify training topics and instructors/training companies.

V. **ADMINISTRATIVE REVIEW**


A. Periodic Administrative Review

1. On a periodic basis the Sheriff or designee will complete an administrative review of the office's practices in relation to equitable policing. This review will include a summary of:
  - Bias-related complaints and community concerns otherwise communicated to the office, if any;
  - Training provided to office personnel relating to bias issues;
  - Community outreach efforts; and other information related to the overall relationship between the office and the community.

Attachments:

- A. [Complaint or Commendation Form](#)
- B. [Public Complaint or Commendation Process Pamphlet](#)

By Order Of

  
Derek Osborne  
Sheriff