



TOWN OF SENECA FALLS POLICE DEPARTMENT

GENERAL ORDER



GENERAL ORDER #: 493	RESCINDS: New
SUBJECT: Preventing Biased Policing and the Perceptions Of Biased Policing	NYS ACCREDITATION:
EFFECTIVE DATE: 07/15/2020	
BY ORDER OF: Stuart W. Peenstra, Chief of Police	

- I. **PURPOSE:** The purpose of this order is to reaffirm the department's commitment to unbiased policing, clarify the circumstances in which race can be used as a factor to establish reasonable suspicion or probable cause and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner.
- II. **BACKGROUND:** Criminal profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling; however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, economic status, background or culture. Law enforcement agencies should not condone the use of any biased based profiling in its programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermines the legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, biased based profiling may alienate citizens, foster distrust of law enforcement by the community, invite media scrutiny, legislative action, and judicial intervention.
- III. **POLICY:** It is the policy of the Town of Seneca Falls Police Department and the responsibility of all members to protect the rights of all individuals regardless of race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, economic status, background or culture; and to assure that all official actions where an individual's freedom to move about is hindered is based upon reasonable suspicion or probable cause. Bias or prejudice of any kind will not be tolerated in any dealings with individuals whether they are victims, suspects, when being taken into custody or while in the custody of the department. Bias based profiling in traffic contacts, field contacts and in asset seizure and forfeiture efforts is prohibited. Deviations from this policy will be met with the strictest discipline.
- IV. **DEFINITION:**
 - A. **BIASED BASED PROFILING** - The selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, economic status, background or culture.
 - B. **Fourth Amendment** - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. PROCEDURE:

A. IMPARTIAL AND EQUITABLE POLICING

1. Members will respond to requests for police service, will render aid and assistance, will investigate offenses and suspicious circumstances independent or regardless to race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, economic status, background or culture of any person or group of persons.
2. All enforcement actions, such as investigative detentions, traffic stops, arrests, searches and seizures and asset forfeitures, will be based upon a standard of reasonable suspicion or probable cause as required by statutes and the 4th Amendment of the United States Constitution.
3. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicions for all enforcement actions.
4. Officers may take into account the reported race, ethnicity, gender or other potentially improper criteria of suspects based on credible, reliable locally relevant information that links a person of specific description criteria to particular criminal incidents, or links specific crimes in specific areas to groups of individuals to specific description criteria.
5. Except as provided in this order, officers shall not consider race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, disability, housing status, occupation, economic status, background or culture in establishing either reasonable suspicion or probable cause.
6. Nothing in this directive or other agency directives alters officer's authority to conduct enforcement actions or otherwise fulfill officer's enforcement obligations.
7. Members will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing and prevent inappropriate perceptions of biased law enforcement. These techniques and strategies include, but are not limited to:
 - a. Be courteous, polite, and professional.
 - b. Introduce yourself, providing your name and explain to the citizen the reason for the stop as soon as practical unless doing so compromises the safety of officers or others. In vehicle stops, provide this information before asking the driver for his/her license and registration.
 - c. Ensure that the length of traffic stops, investigative detentions, field contacts, etc., are no longer than necessary to take appropriate actions.
 - d. Answer questions that citizens may have, including any options for dispositions of related enforcement actions.
 - e. Explain the credible, reliable or locally relevant information that lead to stops or contacts when no enforcement actions were taken, unless doing so compromises the safety of officers or others.
 - f. Request the presence of supervisory or command ranked officers to allow citizens to voice their field contact or enforcement related concerns.
 - g. Explain the department's personnel complaint process.

B. COMPLAINT PROCESS

1. Any complaint that a member conducted policing activities based upon any improper criteria will be investigated in accordance with General Order #310, "Internal Affairs."
2. Sustained violations of this directive will result in remedial training and/or disciplinary action.

C. TRAINING

1. Supervisors shall ensure all personnel within their command are familiar with the content of this directive and are operating in compliance with the same.
2. Members will receive annual training in topics that encourage impartial policing, to include the legal aspects of bias-based profiling.
3. All newly hired sworn members shall receive initial training in biased based policing during the Field Training Program.
4. Individual members and/or supervisors may receive additional, specialized, supplemental or remedial training as deemed necessary and appropriate.
5. Appropriate training subjects may include, but are not limited to:
 - a. Officer safety.
 - b. Courtesy.
 - c. Field contacts.
 - d. Traffic stops.
 - e. Cultural diversity.
 - f. Discrimination.
 - g. Community support.
 - h. Search and seizure and forfeiture
 - i. Interview techniques.
 - j. Interpersonal communications.
 - k. Constitutional and case law.

D. ADMINISTRATIVE REVIEW

1. The Chief of Police shall ensure that an annual administrative review is conducted to examine the department's commitment to impartial policing. Dynamics that are to be included in these reviews include, but are not limited to:
 - a. Related department directives.
 - b. Department practices.
 - c. Related complaints.
 - d. Citizen concerns.
 - e. Training.