



Approved By: Alan P. Mulkin, Chief University Police  
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## G.O. 330.90 Equitable Policing

### I. Scope

The scope of this policy is to provide University Police Officers with guidelines to ensure equitable and unbiased policing.

### II. Purpose

The purpose of this order is to reaffirm the University Police Department's commitment 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.

### III. Definitions

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

- a. **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.
- b. **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.

#### IV. Policy

- a. All members of the University Police Department 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, sex, sexual orientation, religion, disability, or ethnic or national origin nor will they engage in bias-based profiling. The University Police Department will not tolerate bias-based profiling or other inequitable or bias-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, SUNY Policies, and 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 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 "Bias-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.
- f. Except as provided below in E, officers shall not consider any trait common to a group, as identified in the "Bias-Based Profiling" definition above:
  - i. In establishing either reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, searches, and property seizures;
  - ii. In deciding to request for consent to search; or
  - iii. 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, religion, disability, or ethnic or national origin.

#### V. Procedure

- a. Allowable Use of Race or Ethnicity
  - i. Agency personnel may only consider the specified demographics when credible, timely intelligence relevant to the locality links a person or people of a specified characteristic to a specific unlawful incident, or to specific unlawful incidents, criminal patterns or schemes. In those circumstances, personnel may rely on these specified demographics only in combination with other appropriate factors.
  - ii. KEY REQUIREMENTS
    - 1. A specific geographic area
    - 2. A link between a demographic and a specific type of crime

3. The link must be based on timely intelligence

iii. If all three of the above requirements are met, then the officer can use the demographic as part of his/her "totality of the circumstances."

b. Preventing Perceptions of Biased Policing

i. In an effort to prevent inappropriate perceptions of biased law enforcement, each officer 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. 310.20 Professional Traffic Stops):

1. Officers will be courteous and professional.
2. The officer will introduce him- or herself to the subject(s) (providing name and agency affiliation), and state the reason for the stop.
3. Officers will 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.
4. Officers 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, officers will provide his or her 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), 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

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

d. Statistical Reporting

i. Officers will document race and gender for all arrests, traffic tickets issued, and traffic enforcement stops even when no tickets is issued/warning only. This will be done on SJS reports and on Field Interview Cards in Tracs for warnings only. Officers will determine race and gender of subject(s) based on the information they observe during the interaction.

e. Supervisory Responsibilities

- i. Department supervisors will be apprised of all biased-based profile complaints involving personnel under their command.
  - ii. It is the responsibility of the supervisor(s) to monitor the activities and reports of their personnel and to identify potential biased-based activity.
  - iii. The Chief of Police or designated supervisors will periodically review a sampling of written reports and citizen contacts to monitor activity.
  - iv. 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
- f. Complaints of Bias-Based Profiling or Inequitable Police Actions
  - i. 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 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.
  - ii. The Chief of Police will be advised of all complaints involving bias-based profiling.
  - iii. 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.

## **VI. Administrative Review**

- a. Annual Administrative Review
  - i. 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. Statistical Analysis - Officers will document race and gender for all arrests, traffic tickets issued and traffic enforcement stops when no tickets is issued/warning only. This will be done on SJS reports and on Field Interview Cards in Tracs for warnings only. Officers will determine race and gender of subject(s) based on the information they observe during the interaction.
    - 4. Community outreach efforts; and other information related to the overall relationship between the Department and the minority community.

**VII. Disciplinary Action**

Failure to adhere to the Equitable Policing guidelines may result in referral to Human Resources for Disciplinary Action in accordance with applicable collective bargaining agreements.

**VIII. Annual In-Service Training**

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

**SIGNATURES, TITLE AND DATE OF APPROVAL**

**Chief Alan P. Mulkin**  
**Policy Approver – Printed Name**

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**Policy Approver – Signature**

**July 21, 2020**  
**Date of Approval**