

Geneva Police Department GENERAL ORDERS		EQUITABLE POLICING	
<input checked="" type="checkbox"/> new: <input type="checkbox"/> rescinds: <input type="checkbox"/> amends:		cross-reference: G.O. 300; G.O. 430; G.O. 431; G.O. 600	
effective date: 9.28.04		issue/amend date: 9.28.04 / 2.13.15 / 11.14.19	
		Accreditation/Recognition standards: C.A.L.E.A.: 1.2.9 NYS L.E.A.P.:	

I. PURPOSE	<p>The purpose of this General Order is to reaffirm the commitment of the Geneva Police Department to equitable and unbiased policing, to prohibit and prevent biased-based profiling, to clarify the circumstances in which officers can consider race, ethnicity, or the other classifications listed in §III (B) below, 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.</p>
II. DEFINITIONS	<p>A. <u>Bias-Based Profiling:</u> The term, “bias-based profiling” means the selection of an individual(s) for police actions based solely on a trait common to a group. This includes, race, color, ethnic or national origin, gender, sexual orientation, religion, disability, economic status, age, or cultural group.</p> <p>B. <u>Police Actions:</u> For purposes of this General 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 and forfeiture.</p>
III. POLICY	<p>A. All members of the Geneva Police Department will perform their duties in an unbiased and equitable manner at all times and will respect the dignity of all persons.</p> <p>B. Members will not take any police actions, nor will they refrain from taking any police actions, based upon a person’s race, color, ethnic or national origin, gender, sexual orientation, religion, disability, economic status, age, or cultural group, nor will they engage in bias-based profiling. The Geneva Police Department will not tolerate biased-based profiling or other inequitable or biased-based police actions.</p> <p>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 Departmental Policies and Procedures.</p> <p>D. Investigative detentions, traffic stops, arrests, searches, and asset seizures and forfeitures 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.</p> <p>E. No trait common to a group, as identified in the “Biased-Based Profiling” definition contained in §II(B) 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.</p>

<p>III. POLICY (CONT.)</p>	<p>F. Except as provided below in §IV, officers shall not consider any trait common to a group, as identified in §II(B) “Biased-Based Profiling” definition above:</p> <ol style="list-style-type: none"> 1. In establishing either reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, searches, or asset seizures; 2. In deciding to request for consent to search; or 3. As a motivating factor in taking or refraining from police actions, or making law enforcement decisions. <p>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, ethnic or national origin, gender, sexual orientation, religion, disability, economic status, age, or cultural group.</p>
<p>IV. PROCEDURES</p>	<p>A. <u>Allowable Use of Race or Ethnicity and Other Group Traits</u></p> <ol style="list-style-type: none"> 1. Officers may consider any trait common to a group, as identified in the “Biased-Based Profiling” definition contained in §II(B) above, when it is part of the description of the suspect(s) in a specific reported offense. 2. 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 group to a particular unlawful incident(s). <p><u>Note:</u> The trustworthy, relevant information must link specific suspected unlawful activity in our local area to a person or persons of a particular group. 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., commercial 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.</p> <p>B. <u>Preventing Perceptions of Biased Policing</u></p> <ol style="list-style-type: none"> 1. 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. <i>See G.O. 600 – Traffic Enforcement and Uniform Traffic Ticket Procedures, §VI.</i> <ol style="list-style-type: none"> a. Officers will be courteous and professional. b. The officer will introduce him or herself to the subject(s) (providing name and agency affiliation), and state the reason for the stop. c. 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. d. Officers will answer reasonable questions the subject(s) may have pertaining to the stop, including explaining options for traffic citation disposition, if applicable. Officers need not answer questions that may compromise an investigation or enforcement activity. e. Upon request, officers will provide his or her name and identification number to the subject(s), in writing if so requested.

**IV. PROCEDURES
(cont.)**

f. 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

1. Officers will fully document the facts and circumstances surrounding pedestrian or vehicle stops conducted for investigative reasons. *See G.O. 430 Field Interviews.*
 - a. Pedestrian or vehicle stops for other than investigative reasons shall be documented on a Citizen Stop Tracking Card. *See G.O. 431 Citizen Stop Tracking Cards.*

D. Training

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

E. Supervisory Responsibilities

1. Department 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. In the event any evidence of biased-based activity is discovered, the supervisor will document his/her findings and forward a report to the Lieutenant/Detective Bureau (LT/DB). The LT/DB will review, and then forward the report to the Chief of Police. The matter will be investigated and resolved as set forth in §IV(F) below.

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 trait in any police action or law enforcement decision will direct the person to an on-duty supervisor or the LT/DB to initiate an investigation of the complaint. All complaints will be handled in accordance with **G.O. 300 – *Internal Affairs and Personnel 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.
2. The Chief of Police and the accused officer's supervisor will be advised of all complaints involving biased-based profiling.
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 and/or training review, or formal discipline.

**V.
ADMINISTRATIVE
REVIEW**

A. Annual Administrative Review

1. On an annual basis, the Chief of Police or the Chief of Police's designee will complete a written administrative review of the Department's practices in relation to equitable policing. This review will include a summary of:
 - a. Bias-related complaints and citizen concerns otherwise communicated to the Department, if any;
 - b. If available, community feedback on the state of the relationship between the Department and the minority community;
 - c. Training provided to Department personnel relating to bias issues;
 - d. Community outreach efforts; and
 - e. Other information related to the overall relationship between the Department and the minority community.

Approved By

MICHAEL J. PASSALACQUA
CHIEF OF POLICE