



**SCHUYLER COUNTY SHERIFF'S OFFICE GENERAL ORDERS**

**DATE: 12/10/2020**

**GENERAL ORDER #141**

**SUBJECT: Racial Profiling**

**AUTHORIZATION: SHERIFF WILLIAM E. YESSMAN**

**OBJECTIVE: OBJECTIVE OF THIS GENERAL ORDER IS TO ESTABLISH THAT THE SCHUYLER COUNTY SHERIFF'S OFFICE IS COMMITTED TO UNBIASED POLICING IN ALL ITS ENCOUNTER BETWEEN DEPUTIES AND ANY PERSON; TO ENSURE PUBLIC CONFIDENCE AN MUTUAL TRUST THROUGH THE PROVISION OF SERVICES IN A FAIR AN EQUITABLE FASHION; AND TO PROTECT DEPUTIES FROM UNWARRANTED ACCUSATIONS OF MISCONDUCT WHEN THEY ACT WITHIN THE DICTATES OF THIS POLICY AND THE LAW.**

**POLICY: No members of the Schuyler County Sheriff's Office shall engage in Racial Profiling to execute their duties as a Deputy Sheriff. The statements of policy and definitions contained in this General Order shall not be construed or interpreted to be contrary to the New York State Criminal Procedure Law or the United States Constitution or the New York State Constitution.**

**I. Definitions:**

A. As used in this General Order "**Racial Profiling**" means the practice of a law enforcement officer's relying to any degree on race, ethnicity, national origin, or religion in selecting which individuals to subject to routine investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial routine investigatory activity. Racial Profiling pertains to person who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants or other citizen contacts.

1. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a

specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

- a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because the cited driver's race, ethnicity or national origin.
  - b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
  - c. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.
2. Law Enforcement can derive two principles from the adoption of the definition of racial profiling.
- a. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
  - b. Law Enforcement Officers may not use race or ethnic stereotypes as factors in selecting whom to stop and search, Racial profiling is not relevant as it pertains to witnesses, ect.
- B. Race and Ethnicity:** Of a particular descent, including Caucasian, African, Hispanic, Asian or Native American.
- C. Pedestrian Stop:** An interaction between Law Enforcement Officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
- D. Traffic Stop:** A Law Enforcement Officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

## **II. Racial Profiling**

- A. At no time will a Deputy Sheriff of the Schuyler County Sheriff's Office use racial profiling for the purposes of enforcing the Laws of the State of New York or any Laws or Ordinance of Schuyler County

or any Township or Village located in Schuyler County as defined in section I of this General Order.

### **III. Complaint Investigation**

- A. The Schuyler County Sheriff's Office will accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such complaint.
- B. Any employee of the Schuyler County Sheriff's Office who receives an allegation of racial profiling, including the Deputy who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint to the Lieutenant of the Road Patrol Division. Any employee of the Schuyler County Sheriff's Office who receives the complaint shall provide to the complainant a copy of a Complaint on Officer form to be filled out and submitted by the complainant.
- C. Any complaint will be investigated in accordance with General Order #118 of the Schuyler County Sheriff's Office.
- D. If a racial profiling complaint is sustained against a Deputy, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- E. If there is a Video/Audio recording of the events upon which a complaint of racial profiling is based, it will be reviewed by the investigating officer and used as part of the investigation.

### **IV. Use of Video and Audio Equipment**

- A. Each Deputy has been issued a Personal Digital Recording Device (PDRD). All interaction with the public made by the Schuyler County Sheriff's Office that is capable of being recorded with a PDRD will be recorded with a PDRD in accordance with General Order #281.
- B. Supervisors will ensure Deputies of the Schuyler County Sheriff's Office are recording all interactions with the public with their PDRD.