



SCHUYLER COUNTY SHERIFF'S OFFICE GENERAL ORDERS	
DATE: 12/11/2020	GENERAL ORDER #142
SUBJECT: Biased Based Policing	
AUTHORIZATION: SHERIFF WILLIAM E. YESSMAN	

OBJECTIVE: THE OBJECTIVE OF THIS GENERAL ORDER IS TO REAFFIRM THE SCHUYLER COUNTY SHERIFF'S OFFICE COMMITMENT TO UNBIASED POLICING IN ALL ITS ENCOUNTERS BETWEEN DEPUTIES AND CITIZENS, AND TO REINFORCE PROCEDURES THAT SERVE TO MAINTAIN PUBLIC CONFIDENCE AND TRUST THROUGH THE PROVISION OF SERVICES IN A FAIR AND EQUITABLE FASHION.

POLICY: Members of the Schuyler County Sheriff's Office shall not violate the constitutional rights of a person, regardless of race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, economic status, age or cultural background. Members of the Schuyler County Sheriff's Office shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in racial/bias policing in any aspect of law enforcement activity.

I. Definitions

- A. Probable Cause: Means that set of facts or circumstances based on reliable information, personal knowledge or observation by an officer, which reasonably shows and would warrant an ordinary prudent person in believing that a particular person has committed, is threatening, or is about to commit some criminal violation of the law.
- B. Reasonable Suspicion: Means suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion.
- C. Reasonable Cause to Believe: Means a basis for belief in the existence of facts which, in view of the circumstances under and purposes for which the standard is applied, is substantial, objective, and sufficient to satisfy applicable constitutional requirements

- D. Reasonable Belief: Means a belief based on reasonable cause to believe.
- E. Racial Profiling: Means the practice of a law enforcement officer 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.

II. Biased Based Policing

- A. Schuyler County Sheriff's Office members shall not violate citizens' equal protection rights. Toward this end, members are prohibited from engaging in racial/bias profiling in any aspect of law enforcement activity.
- B. It shall be the policy of the Schuyler County Sheriff's Office that members base pedestrian or motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the United States and New York State Constitutions as well as federal and state law.
- C. Schuyler County Sheriff's Office members shall be prohibited from utilizing race, ethnicity, national origin or religion to any degree in making law enforcement decisions, except to determine whether a person matches the description of a particular suspect.
- D. The statements of policy and definitions contained herein shall not be construed or interpreted to be contrary to the New York State Criminal Procedure Law or the Constitutions of the United States and State of New York.

III. Deputies Responsibilities

- A. Members of the Schuyler County Sheriff's Office, whether sworn, civilian, or volunteer, shall treat every person with courtesy and respect when interacting with the public and will conduct all law enforcement duties in a professional manner.

- B. Schuyler County Sheriff's Office members shall base all pedestrian and motor vehicle stops, detentions, investigative activities, or arrests on a standard of reasonable suspicion or probable cause and in doing so shall not violate this policy.
- C. Upon initial contact, each Deputy should provide his or her name and the reason for the pedestrian or motor vehicle stop to the accused. If asked for a serial or badge number by the pedestrian or driver of a motor vehicle, the Deputy shall oblige, when it is reasonable to do so, by providing their radio number (i.e.. 1L03).
- D. When stopping a pedestrian or a driver of a vehicle for an alleged motor vehicle violation, each Deputy shall take into account circumstances associated with each individual pedestrian or motor vehicle stop and shall use discretion in determining whether to issue a verbal warning or a written traffic ticket.
- E. In an effort to minimize conflict during interactions with accused violators when stopping and or detaining persons, it is recommended that Deputies attempt, where feasible and reasonable, to:
 - 1. Extend a customary greeting to each person such as: Good morning, afternoon, or evening.
 - 2. Identify themselves by name and state agency they work for.
 - 3. Explain the reason for the stop or detention.
 - 4. Listen politely and give the accused ample opportunity to tell his or her story and explain his or her behavior.
 - 5. Politely ask for identification and any required documents: "May I please see your driver's license, registration and proof of insurance".
 - 6. Complete paperwork and advise the driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result.
 - 7. Extend a departing pleasantry such as: "Please drive safely or thank you for your cooperation".
 - 8. Make sure the driver is able to merge safely back into traffic.
 - 9. Remain courteous and project a professional demeanor during the interview, questioning, or contact.

10. Deputies shall refrain from participating in or encouraging any actions or statements that could be reasonably perceived a racial/bias-related profiling, including but not limited to racial slurs or derogatory references about a minority group.

IV. Supervisor Responsibilities

- A. Each supervisor shall be responsible for making contact, when possible, with any known complainant alleging biased law enforcement practices by any Deputy of the Schuyler County Sheriff's Office, either at the scene or by phone and document the complaint in a Blotter.
 1. If the complaint is not resolved and forms have not already been filled out, the supervisor shall offer to provide the complainant a Citizen Complaint form in accordance with General Order #118.
 2. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explaining the Schuyler County Sheriff's Office policy.
- B. Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
 1. Evaluate, provide a written report, and process each Citizen Complaint Form alleging biased law enforcement practices to the Lieutenant of the Road Patrol Division.
 - a. Written reports shall be completed by the supervisor within twenty-four (24) hours of filing by the complainant.
 - b. Ensure that any video related to the complaint of biased law enforcement practice is downloaded and annotated by the accused Deputy. It will be annotated in the Blotter if there is video along with the date and time of the video along with the Blotter number.

V. Allegations of Biased Law Enforcement Practices

- A. When accused of biased law enforcement practices, the Deputy shall first contact his or her immediate supervisor if on duty or on call supervisor if no supervisor is on duty and brief same of the complaint.
 1. If practical to do so, the supervisor shall report to the scene to mediate the situation.

2. The Deputy shall provide the complainant(s) with the name of his immediate supervisor if on duty, the on call supervisor or the name of the Lieutenant of the Road Patrol Division along with the phone number for dispatch to contact the supervisor.
 3. Deputies will complete a Blotter detailing the incident, the allegations(s) made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his immediate supervisor or the supervisor handling the complaint.
- B. Deputies will immediately download any video from the encounter with the complainant, annotating it with the Blotter number and name of the complainant.
 - C. All investigations of biased law enforcement practices shall be investigated by the Schuyler County Sheriff's Office in a like and consistent manner.
 - D. Deputies found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, including but not limited to termination, in a timely manner in accordance with Schuyler County Sheriff's Office General Orders and any contractual obligations of the Schuyler County Sheriff's Office.

VI. Retaliation

- A. No member of the Schuyler County Sheriff's Office, regardless of rank or stature, shall retaliate against fellow members of the Schuyler County Sheriff's Office, officials, civilians, or volunteers for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.
- B. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to termination.