GREENVILLE COUNTY
SHERIFF'S OFFICE

GO - 235

GENERAL ORDERS

BIAS BASED PROFILING

PURPOSE: **Racial, ethnic and bias based profiling in law enforcement are totally unacceptable.** This policy provides guidelines for deputies to prevent such occurrences, and to protect deputies from unwarranted accusations when they act within the dictates of law and policy.

DEFINITIONS: **Bias Based Profiling –** The selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes, but is not limited to: race, ethnic, background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

Reasonable Suspicion – Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would cause a reasonable person to believe that a crime has been committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a deputy combined with his or her training and experience, and/or reliable information received from credible outside sources.

LEGAL DISCUSSION: **A fundamental right** guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They are also entitled to be free from crime, and from the depredations of criminals, and to drive and walk public ways safe from the actions of reckless and careless drivers. The Sheriff's Office is charged with protecting these rights regardless of race, color, ethnicity, gender, sexual orientation, physical handicap, religion, economic status, age, cultural group, or any other belief system or identifiable group.

The Sheriff's Office prohibits bias based profiling in traffic stops, field contacts, and in asset seizures and forfeiture efforts.

Deputies are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that:

- Keeps citizens free from crime.

- Keeps streets and highways safe to drive on.
- Detects and apprehends criminals.

This policy is intended to assist deputies in accomplishing the law enforcement mission in a way that respects the dignity of all persons and sends a strong message to actual and potential lawbreakers, that if they break the law, they are likely to encounter law enforcement.

POLICY:

It is the mission of the Sheriff's Office:

- To patrol in a proactive manner.
- To aggressively investigate suspicious persons and circumstances.
- To actively enforce motor vehicle laws.

To accomplish this mission, Sheriff's Office deputies will not stop or detain citizens without the existence of reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

PROCEDURE:

Deputies will be assigned to areas where there is the highest likelihood that crimes will be prevented through proactive patrol and/or vehicle collisions will be reduced.

Deputies will receive initial and on-going documented training in:

- Legal aspects of bias based profiling.
- Proactive enforcement tactics.
- Officer safety.
- Courtesy.
- Cultural diversity.
- Laws governing search and seizure.
- Interpersonal communications skills.

Training will include the Sheriff's Office prohibition of bias profiling and the need to respect the right of all citizens to be free from unreasonable government intrusion or police action.

Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure deputies do not go beyond the parameters of reasonableness in conducting such activities. This will be accomplished through at-scene observation, incident report review, and periodic review of in-car video camera tapes.

Motorists and pedestrians can be subjected to stops, seizures, or detentions when reasonable suspicion exists that they have

committed, are committing, or are about to commit an infraction. This does not prohibit deputies from making contact with pedestrians for the purpose of casual conversation or general investigative purposes. Every time a motorist or pedestrian is stopped, the deputy is to radio the location of the stop and description of the person or vehicle being stopped.

The Sheriff's Office recognizes that with experience, individual deputies will develop individualized approaches they find work best for them in minimizing conflict during deputy/violator contacts. An example of appropriate dialogue during a stop or detention can be found in General Order 223.

Appropriate enforcement action should always be completed, generally in the form of a verbal or written warning, citation or arrest. **No motorist, once cited or warned, is to be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle is to be searched in absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent**. In each case where a search is conducted, this information is to be recorded, including the legal basis for the search, and the results thereof. It is strongly recommended consent searches only be conducted with written consent. If the individual indicates they will consent to search but are refusing to sign a **Consent to Search Form**, fill out the form anyway and insert *"consented to search but refused to sign,"* and the signature of a witness in the signature block.

If a patrol vehicle is equipped with a video camera, video and sound are to be activated prior to a traffic or pedestrian stop to record the behavior of the vehicle or person. The camera is to remain activated until the person is released and resumes his/her journey.

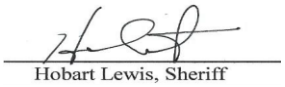
A person's race, ethnicity, gender or sexual orientation or any combination of these is not to be the sole factor in determining probable cause for an arrest or reasonable suspicion for a stop.

BIAS BASED PROFILING COMPLAINTS:

Any person may file a complaint with Professional Standards if they feel they have been stopped or searched for racial, ethnic, or other bias based profiling reasons. No person is to be discouraged, intimidated, or coerced from filing a complaint. No person is to be discriminated against because they have filed a complaint.

On a day-to-day basis, Lieutenants and Sergeants are to randomly back-up deputies on vehicle and pedestrian stops to ensure compliance with this policy. Supervisors are to remain particularly alert to any pattern or practice of possible discriminatory treatment by individual deputies or units, and are to take appropriate corrective action whenever it appears this policy is being violated.

Annually, Professional Standards will conduct a documented administrative review of agency practices and citizens' concerns. Additionally, Professional Standards will make public a statistical summary of all profiling complaints for the year, including the findings as to whether they were sustained, not sustained, unfounded, or exonerated.



Hobart Lewis, Sheriff