



Rochester Police Department General Order



EFFECTIVE DATE: April 20, 2015	SUBJECT: BIAS BASED PROFILING	ORDER# 502
RESCINDS: G.O. 502 (09/27/13)	REFERENCE STANDARD(S): NYS:	PAGE 1 of 2
ATTACHMENT(S):		
Chief's Signature: <i>Michael L. Ciminelli</i>		

I. DEFINITIONS

- A. Bias Based Profiling: The targeting or stopping of an individual based solely on a common trait of the individual, including but not limited to: age, race, creed, color, religion, national origin, gender, sexual orientation, disability, marital status, limited English proficiency, or economic status.
- B. Criminal Profiling: An investigative method in which members through observation of activities and environment, identify suspicious people and develop legal grounds to stop them for questioning.
- C. Limited English Proficiency Persons: Individuals who do not speak English as their primary language and possess a limited ability to read, speak, write, or understand English.

II. POLICY

The Rochester Police Department (RPD) neither condones nor permits the use of any bias based profiling in traffic contacts, field contacts, investigations, or asset seizure and forfeiture efforts.

III. LEGAL ASPECTS

- A. The 4th Amendment protects the “right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures.” Similar protections are found in Article I, Section 12 of the New York State Constitution.
- B. The Equal Protection Clause of the 14th amendment of the U.S. Constitution prohibits states from denying any person within its

jurisdiction the equal protection of the laws. Discriminatory enforcement or application of the law is prohibited. Similar protections are found in Article I, Section 11 of the New York State Constitution.

IV. PROCEDURES

- A. Members may use criminal profiling as an investigative method.
- B. All vehicle and individual stops, investigative detentions, arrests, search and seizures (to include asset forfeiture procedures) by members of the RPD will be based on a standard of reasonable suspicion, probable cause, or as otherwise required by the U.S. Constitution and the New York State Constitution. Members must be able to articulate specific facts, circumstances, and conclusions which provide objective, credible evidence to support probable cause or reasonable suspicion for a stop, investigative detention, or arrest.

V. TRAINING

All members of the RPD will receive training in bias based profiling issues, including legal aspects.

VI. MONITORING AND CORRECTIVE MEASURES

- A. Members of the RPD will report any observed or known violations of bias based profiling to their immediate supervisor.
- B. Supervisors will initiate action(s) in response to acts of bias based profiling, as outlined in General Orders 301, Discipline and 310, Citizen Complaints.



Rochester Police Department General Order



EFFECTIVE DATE: September 27, 2013	SUBJECT: BIAS BASED PROFILING	ORDER# 502
RESCINDS: February 25, 2002	REFERENCE STANDARD(S): CALEA: 1.2.9 NYS:	PAGE 1 of 2
ATTACHMENT(S):		

I. POLICY

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II. DEFINITION

- A. Limited English Proficiency Persons: Individuals who do not speak English as their primary language and possess a limited ability to read, speak, write, or understand English.
- B. Bias based profiling is the targeting or stopping of an individual based solely on a common trait of the individual, including but not limited to: age, race, creed, color, religion, national origin, gender, sexual orientation, disability, marital status, limited English proficiency, or economic status.
- C. Criminal profiling is an investigative method in which members through observation of activities and environment, identify suspicious people and develop legal grounds to stop them for questioning.

III. LEGAL ASPECTS

- A. The 4th Amendment of the U.S. Constitution provides protection against searches and seizures that are not based upon probable cause - "unreasonable search and seizure". Similar protections are found in Article I, Section 12 of the New York State Constitution.
- B. The 14th Amendment of the U.S. Constitution provides the security of "equal protection" under law. Enforcement action cannot be based solely on a common trait of an individual as identified in

"Policing in the Spirit of Service"

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Section II.A. Similar protections are found in Article I, Section 11 of the New York State Constitution.

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