POLICY AND PROCEDURE # 102

SUBJECT: Bias Based Profiling

EFFECTIVE DATE: 1 September 2001

REVIEW DATE: 30 November 2016

CHANGE DATE: 05 October 2006

REVIEWED BY: Annette Drachman, General Counsel for the Medical University of South Carolina.

THE POLICIES AND PROCEDURES INCLUDED IN THIS MANUAL ARE NOT A CONTRACT OF EMPLOYMENT AND SHOULD NOT BE RELIED ON AS SUCH. THESE POLICIES AND PROCEDURES ARE SUBJECT TO AND MAY BE CHANGED AT ANY TIME BY THE DEPARTMENT OF PUBLIC SAFETY, MEDICAL UNIVERSITY OF SOUTH CAROLINA.

A. **Purpose:**

To prohibit the stopping, detaining, search, and attempt to search any vehicle, person or asset seizure or forfeiture based upon an individual’s race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation. (CALEA 1.2.9.a)

B. **Definitions:**

**Bias Based Profiling:** Is the selection, interdiction, detention, arrest, or other non-consensual treatment of an individual based primarily upon one’s race, national origin, citizenship, religion, ethnicity, age, gender, economic status, or sexual orientation.

**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 warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be 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 police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.
C. **Policy:**

The Medical University of South Carolina, Department of Public Safety, does not train, endorse, support, or condone any type of “Bias Based Profiling” in its interactions with the public. Members of this department shall not consider race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation as the primary reason in determining whether individuals should be stopped, searched or property seized.

D. **Procedure**

1. Traffic stops and interactive patrols are vital law enforcement responsibilities. In addition to deterring motor vehicle violations and reducing motor vehicle accidents, they provide law enforcement with increased visibility and deter more serious criminal activity. All stops shall conform to the Medical University of South Carolina, Department of Public Safety policies and procedures.

2. Officers are prohibited from stopping, detaining, arresting, searching, or attempting to search anyone based solely upon the person’s race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation. Officers shall base all such actions on a reasonable suspicion that the person or an occupant of a vehicle committed a motor vehicle violation or other offense.

3. This policy is not intended to inhibit officers from continuing to use their police skills to detect evidence of criminal activity during stops. Officers’ abilities to uncover evidence of criminal activity during a traffic stop have always been a valuable asset necessary in protecting the citizens of South Carolina.

4. This policy and procedure does not preclude officers from:

   a. Considering a person’s apparent age when investigating a possible curfew violation; or

   b. Making voluntary citizen contacts in order to solicit information or cooperation;

5. Officers shall treat every person with courtesy and respect. Officers shall state the reason for the stop on every traffic stop, interdiction, detention, arrest, or other non-consensual treatment of an individual. Officers shall provide their name, unit number, and supervisor’s name whenever the person being stopped requests the information. All traffic and citizen stops shall be limited to the amount of time necessary to reasonably conclude the officer’s official actions.

6. Whenever a person complains that an officer has engaged in practices prohibited
by this order, the officer will immediately notify the shift supervisor. The shift supervisor, if available and time permits, may respond to the scene of the incident and conduct a preliminary investigation to determine the validity of the complaint. The supervisor will ensure that the complaint is documented in conformance to, “Administrative Investigations.” In addition a documented annual administrative review of agency practices will be conducted along with citizens concerns (CALEA 1.2.9.d).

7. On an annual basis, sworn members of the Department will receive training on discriminatory profile issues, including legal issues. (CALEA 1.2.9.b)

8. All levels of supervision shall take prudent steps to ensure sworn members in their command do not engage in discriminatory profiling practices, and will take appropriate corrective measures to ensure that this activity does not continue. This should include clearly stating to sworn members that discriminatory profiling will not be tolerated, ongoing reviews of enforcement activities, reports with a focus to identify possible profiling patterns, and encouraging appropriate enforcement tactics. (CALEA 1.2.9.c)

9. Supervisors are expressly prohibited from condoning or encouraging discriminatory profiling as well as ignoring patterns of discriminatory profiling on the part of any member of the department.

E. Bias Based Profiling Tracking System

1. Purpose

Within this Department, the Vehicle Stop/Field Interview Form (F.I.) is used primarily for three (3) purposes:

a. The existence of a properly completed form provides a vehicle for the collection, tracking, review, and analysis of the data necessary to identify possible profiling patterns, and encourage appropriate enforcement tactics.

b. The existence of a properly completed form proves that an individual was contacted by an officer at a certain time, date and location. This could prove important if it was later discovered that a crime was committed within that area.

c. If an existing card shows that an individual had been previously warned off State property, it could be used as the basis for a trespassing charge, provided:
1) Merely circling “YES” where the card reflects "Warned Off State Property" is sufficient for prosecution.

2) If the form is not legible, does not reflect all appropriate information, or is unsigned by the Officer, it cannot be used as a basis for prosecution.

2. Procedure

When contacts are made with suspicious persons, traffic/vehicle stops, and arrests pursuant to this policy, both sides of the PSD-24, Vehicle Stop/Field Interview Form (F.I.) will be completed to document that contact, in accordance with the following procedures:

a. The Vehicle Stop/Field Interview Form (F.I.) should be used with discretion and common sense. It is not necessary to accomplish a card simply because the officer made contact with another person. There must be some basis for the action taken. The following are examples of situations or incidents which require the accomplishment of a Vehicle Stop/Field Interview Form (F.I.):

1) Pursuant to all arrests, for inclusion in Departmental records. In this case, the F.I. Card provides a record of the arrest that is immediately available to all officers.

2) Anytime a person is contacted under unusual or suspicious circumstances. In most instances, this must be a judgment call by the officer involved.

Note: Since the reasons for becoming suspicious of a person are almost limitless - no effort will be made to list all of them. In short, if an officer becomes suspicious or is concerned about an individual, and there is no probable cause indicating that a violation has occurred, a Vehicle Stop/Field Interview Form (F.I.) should be accomplished.

3) On each occasion when an individual is contacted under circumstances which warrant the accomplishment of an Vehicle Stop/Field Interview Form (F.I.), a new form must be accomplished and added to the file. Simply annotating an existing form to document a subsequent warning is not sufficient.

4) A vehicle or traffic stop is accomplished.
3. **Procedures for Checking a Suspect**

All suspicious persons, being observed on State property or adjacent city streets, will be checked as to their identity and purpose. The following procedures will apply:

a. As previously stated, all officers will take care not to violate an individual's civil rights. Remember, there must be a reason (probable cause) for your actions and you must be able to explain the basis for your actions. Arbitrary identification checks are unlawful. If action is taken and this requirement cannot be met, the officer involved and this Department can be held liable.

b. Before checking the identity and purpose of an individual, pursuant to this policy, the Dispatcher will be notified and provided the following information:

1) General description of the suspicious person - i.e., W/M or B/M, in his late 20's dressed in white shirt, blue jeans and navy blue cap.

2) Location - i.e., 6th Floor Basic Science Building, or Ashley & Sabin Street.

3) Reason for check - Why are you suspicious?

4) If the suspect is in an automobile, provide the license number and vehicle description.

5) If the situation appears to be dangerous, request back-up before proceeding with the check.

c. During the identification process, do not take chances. Keep the individual under close observation. Obtain their name, social security number and date of birth, and request a check through NCIC and the Vehicle Stop/Field Interview Form (F.I.) file. If possible, verify the individual's identity by checking their Driver's License, I.D. Card, or other documentation. If all is in order and there is no violation indicated, obtain the necessary information to complete a Vehicle Stop/Field Interview Form (F.I.) and allow the individual to proceed.

4. **Preparation and Maintenance of Records**
a. Complete one (1) Vehicle Stop/Field Interview Form (F.I.) for each subject. Insure that all applicable blocks are complete, including OCA number or CAD number. At the end of the shift, submit the form to your Supervisor. PSD-17 (Incident Reports) will be required only if it is necessary to explain a complicated situation, an arrest was made, or if evidence is collected.

b. Vehicle Stop/Field Interview Form (F.I.), will be reviewed by the Shift Supervisor at the time of the occurrence and then forwarded to the Patrol Commander with the Shift paperwork for review. The Shift Supervisor makes two copies of the form. One goes in the Read File and one is turned in to Dispatch. Dispatchers will enter the information into CAD at this time. When Dispatch receives the original form from the Patrol Commander, the information will be verified in the CAD system then filed.

1) Dispatch will enter the information under one of the following categories:

   aa) Vehicle Stop; or

   bb) Field Interview;

c. Adult F.I. Cards are permanent.