

P.G. 203-25 Department Policy Prohibiting Racial Profiling

Date Effective: 08-01-13

1. Members of the service are reminded that the New York City Police Department is committed both to the impartial enforcement of law and the protection of Constitutional rights. To reinforce these commitments and to endure all members of the service engage only in constitutionally sound policing practices, the Department prohibits the use of racial profiling in law enforcement actions. Racial profiling is defined as the use of race, color, ethnicity, or national origin as the determinative factor for initiating police action. Members are also reminded that the use of other characteristics such as religion, age, gender, gender identity, or sexual orientation as the determinative factor for taking police action is prohibited.
2. All police-initiated enforcement actions, including, but not limited to, arrests, stop and questions, and motor vehicle stops, will be based on the standards required by the Fourth Amendment of the U.S. Constitution, Article I, Section 12 of the New York State Constitution, Administrative Code section 14-151, and other applicable laws. The law confers on police officers the authority to stop, question, and if warranted, frisk an individual whom a member reasonably suspects has committed, is committing, or is about to commit a felony or Penal Law misdemeanor. Members must be able to articulate the factors which led them to take enforcement action, in particular those factors leading to reasonable suspicion for a stop and question and any subsequent frisk, or probable cause for an arrest.
3. Responding to suspected criminal behavior by stopping and questioning an individual and, if warranted, conducting a frisk is part of a police officer's job and plays a critical role in reducing and preventing crime. Conducting stops in an unbiased manner fosters and strengthens relationships between police officers and members of the community, and inspires confidence in, and support for, policing efforts.
4. While performing their duties, members are reminded that it is not racial profiling to take into account the reported race, color, ethnicity, national origin, religion, age, gender, gender identity, or sexual orientation of a specific subject in the same way the member would use pedigree information, e.g., height, weight, age, etc., about specific subjects.
5. Commanding officers will continue to ensure that self-inspections are conducted within their commands regarding stop, question, and frisk activity. The Quality Assurance Division will continue to monitor compliance with self-inspection protocols in all of its command inspections and will continue to audit stop, question, and frisk activity Department-wide. The proper exercise of the authority to conduct stop, question, and frisk activity will continue to be included in CompStat review.