



POLICE DEPARTMENT GENERAL ORDER

Subject: Biased Policing

Order No: 226

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226 Policy

- A. The Agency is committed to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.
- B. It is the policy of the Agency to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority while protecting the rights of all persons. This policy prohibits members from engaging in any manner of bias-based profiling, including, but not limited to traffic contacts, field contacts, and asset seizure and forfeiture efforts.

226.1 Definitions

- A. **Biased Based Profiling** - The selection of individuals based solely on a common trait of a group. This includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.
- B. **Reasonable Suspicion** - Reasonable or articulable suspicion is suspicion that is more than a mere hunch but is based on a set of articulable facts and circumstances. These facts and circumstances would warrant a person of reasonable caution in believing that an infraction of the law has been committed, or is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be objective observation of a police officer combined with his training and experience and/or reliable information received from credible outside sources.

226.2 Responsibilities

Supervisors will ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.

226.3 Procedures for Policing Impartially

- A. **Stops** - Investigative detentions, traffic stops, arrests, searches, and property seizures by officers are based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.
 - 1. Except as provided below (B), officers will not consider race/ethnicity in establishing either reasonable suspicion or probable cause.
 - 2. Similarly, except as provided below, officers will not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- B. **Information Provided** - Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s).

1. Except as provided above (B) race/ethnicity will not be motivating factors in making law enforcement decisions.
2. Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

226.4 Preventing Perceptions of Biased Policing

A. Proper Conduct - In an effort, to prevent inappropriate perceptions of biased law enforcement, each officer will do the following when conducting pedestrian and vehicle stops. The procedural guidelines for conducting traffic stops are provided in Traffic Enforcement (Stops) **GO 505**.

1. Be courteous and professional.
2. Introduce yourself to the citizen (providing name and agency affiliation) and state the reason for the stop as soon as practical, unless providing this information will compromise the enforcement action or investigation.
3. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.
4. Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.
5. The member will provide his or her name and badge number when requested, in writing or on a business card.
6. Members will provide a courteous and professional explanation if he or she determines that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

B. Training - All sworn enforcement members will attend mandatory training in the prevention of biased based profiling issues including the legal aspects in accordance with Criminal Justice Standard and Training Commission guidelines.

226.5 Community Education and Awareness Efforts

The Agency provides public information pamphlets to persons upon request regarding the Agency's Policy on Bias Based Profiling for distribution in field operations. Officers may distribute the pamphlet to each person claiming that he/she may have been subjected to such activities, whenever appropriate. The Agency's website also provides the information contained in the brochure for public Internet access. In addition, the pamphlet will be made available in DMS if the officer needs to print the brochure.

226.6 Compliance

Violations of this policy will result in disciplinary action as set forth in the Discipline General Order. **GO 402**

- A. **Review** - Biased based profiling will be included in the Annual Administrative Review conducted by the Internal Affairs Unit.
- B. **State Mandatory Reporting** - Safety belt usage **316.614(9) FSS** mandates that law enforcement officers, who issue citations to violators of this law, record the race and ethnicity of the violator for the purpose of reporting to the State of Florida.