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| <b>POLICY<br/>512</b>   | <b>BIASED POLICING</b>   |   |
|  | <b>REVISED:</b> 01/02, 4/03, 6/03,<br>12/09, 03/10, 02/18, 11/18, <b>12/20</b> | <b>RELATED POLICIES:</b> <b>117.3, 217.1, 217.2</b> |
|   | <b>CFA STANDARDS:</b> <b>2.06</b>  | <b>REVIEWED:</b> AS NEEDED                          |

**A. PURPOSE**

The purpose of this policy is to reaffirm the Department’s commitment to unbiased policing, to provide guidelines for officers to prevent such occurrences, to protect officers when they act within the law and Department policy from unwarranted accusations, and to reinforce procedures that serve to assure the public that we are providing professional law enforcement service and enforcing laws in an equitable manner.

**B. DISCUSSION**

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to the 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 as long as they obey the law. They also are entitled to be free from crime and victimization by criminals, and to drive and walk our public ways safe from the actions of irresponsible drivers. The Fort Lauderdale Police Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, national origin, age, gender, gender identity or expression, sexual orientation, socioeconomic status, political status, disability, religion or other belief system. Because of the nature of law enforcement, officers are required to be observant, identify unusual occurrences and violations of law, and to act upon them. It is this proactive enforcement that keeps citizens free from crime, streets and highways safe to drive upon, and that detects and apprehends criminals. This policy is intended to assist officers in accomplishing their mission in a way that respects the dignity of all persons. It also sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

**C. POLICY**

It is the policy of the Fort Lauderdale Police Department to patrol in a proactive manner, to proactively investigate suspicious persons and circumstances, solve problems through the community policing philosophy, and to actively enforce the laws of the State of Florida and the ordinances of the City of Fort Lauderdale, while ensuring that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of law. Persons having contact with members of this agency shall be treated in a fair, impartial, equitable and objective manner, in accordance with law and without consideration of their individual demographics as defined in this policy. Biased policing in traffic contacts, field contacts, searches and seizures and in asset seizures and forfeiture efforts, or in any other manner is strictly prohibited.

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the United States Constitution and Article 1, Declaration of Rights – Section 12 of the Florida 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.

Officers may take into account the reported race, ethnicity or other specified characteristics of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race, ethnicity or unique characteristics to a particular unlawful incident(s). Race, color, ethnicity, national origin, age, gender, gender identity or expression, sexual orientation, socioeconomic status, political status, disability, religion or other belief system or unique characteristics shall never be used as the sole basis for probable cause or reasonable suspicion.

#### **D. DEFINITIONS**

1. **Biased Policing:** The detention, interdiction, or other disparate treatment of any person based solely on their race, color, ethnicity, national origin, age, gender, gender identity or expression, sexual orientation, socioeconomic status, political status, disability, religion or other belief system, or the inappropriate consideration of specified characteristics when enforcing the law or providing police service.
2. **Reasonable Suspicion:** Also known as articulable or founded suspicion, is suspicion that is more than a mere hunch, which is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that a violation of 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.
3. **Fair and Impartial Treatment:** Persons irrespective of race or other distinctions are treated in the same basic manner under similar circumstances. (This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness or similar conditions or when information about them necessitates different treatment).
4. **Specified Characteristics:** Race, color, ethnic background, national origin, gender, gender identity or expression, sexual orientation, religion, socioeconomic status, age, disability or political status.

#### **E. TRAFFIC AND FIELD CONTACT PROCEDURE**

In an effort to prevent inappropriate perceptions of biased policing, officers shall conduct pedestrian and vehicle stops in an unbiased manner.

1. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit a violation of law. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the stop, the description of the person or vehicle being detained, and the specific reason for the stop (e.g. red light, speeding, prowling. General terms such as traffic or suspicious person are not sufficient.)
2. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.
3. Periodically, the Department may provide public information pamphlets to officers regarding the purpose of proactive enforcement. Officers are encouraged to distribute the pamphlets to each person subjected to such activities, whenever appropriate.
4. Policy 217 provides specific procedures to be followed when conducting traffic stops.

#### **F. COMPLIANCE**

1. Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor or Internal Affairs. Where appropriate, officers are required to intervene at the time the biased policing incident occurs.
2. Supervisor shall ensure that all personnel in their command are familiar with the contents of this policy and will be alert and respond to indications that biased policing is occurring.
3. Violations of this policy shall result in training, counseling, discipline or other remedial invention as appropriate to the violation.

#### **G. TRAINING**

All Department members shall be trained in fair and impartial policing issues including legal aspects of biased policing and related topics suitable for preventing incidents of biased policing.

1. Officers will receive initial and ongoing in-service training and where deemed necessary, remedial training on subjects related to police ethics, police-citizen interaction, standards of conduct, implicit bias, in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communications skills.
2. Training will continue to emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
3. The Training Unit shall develop a course of training on bias-based policing issues to include at a minimum:

- a. traffic enforcement
  - b. field contacts
  - c. asset seizures and forfeiture efforts
  - d. legal aspects
  - e. complaint processing
4. The course may be included as part of other training, such as human diversity.
  5. All members must complete this training at least every four (4) years or as required by law.
  6. As part of the employee performance evaluation system, supervisors shall ensure that traffic enforcement is accompanied by consistent, ongoing oversight and that officers do not go beyond the parameters of reasonableness in conducting such activities.

#### **H. COMPLAINTS OF BIASED POLICING**

1. Any person may file a complaint with the Department if they feel they have been subjected to bias-based policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. The Department will take corrective measures if bias-based policing occurs. All complaints of bias-based policing shall be investigated by the Office of Internal Affairs.

#### **I. ANNUAL ADMINISTRATIVE REVIEW**

1. Each year the Office of Internal Affairs shall conduct an annual administrative review of this policy and Department practices concerning bias-based policing, including citizen complaints, and submit a report to the Chief of Police. The report shall contain, at a minimum, a statistical summary of all bias-based policing complaints for the year, problem identification if any, and development of appropriate corrective action taken, including the findings as to whether they were sustained, not sustained, exonerated, policy failure, or unfounded.
2. Each year the agency shall conduct an administrative review of the traffic stop procedures related to fair and impartial policing.