

# PALM BEACH GARDENS POLICE DEPARTMENT

## BIAS BASED PROFILING

### POLICY AND PROCEDURE 4.1.20

**Effective Date :**

11/13/2014

**Accreditation Standards:**

CALEA 1.2.9  
CFA 2.08M

**Review Date:**

04/01/2016

## CONTENTS

1. General Procedures
2. Preventing Misperceptions of Bias Based Policing
3. Training
4. Reporting Requirements
5. Community Education/Awareness
6. Glossary/Definitions

**PURPOSE:** To affirm the Department's commitment to unbiased policing and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in a fair and equitable manner.

**SCOPE:** This policy and procedure applies to all members.

**REVIEW RESPONSIBILITY:** Administrative Support Bureau Major

**POLICY:** The use of bias based profiling in enforcement activities by members of this Department is prohibited. Enforcement activities, including but not limited to investigative detentions, traffic stops, arrests and searches and seizures of property, must be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion during any enforcement action.

## PROCEDURES

### 1. GENERAL

- a. Officers shall not take enforcement action based on bias based profiling.
  - i. Enforcement activities shall be based on a person's conduct or other specific identifying information
  - ii. officers must have reasonable suspicion or probable cause supported by articulable facts that the subject of the enforcement action has committed, is committing, or is about to commit a crime or is presenting a threat to themselves or others.
- b. Officers may take into account the reported race, ethnicity or other traits based on credible, reliable information that links a person or persons with that trait to a particular crime or series of crimes.
- c. Except as provided in 1b, officers shall not consider traits such as race, ethnicity, gender, sexual orientation, religion, age or cultural group in establishing either reasonable suspicion or probable cause.
- d. Except as provided in 1b, no person shall be singled out or otherwise treated differently on account of his/her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other such trait.

- e. Violations of this policy and procedure shall result in remedial training and/or disciplinary action as set forth in the Department's policies and procedures.

## **2. PREVENTING MISPERCEPTIONS OF BIAS BASED POLICING**

- a. In an effort to prevent inappropriate perceptions of bias based law enforcement, officers should utilize the following strategies when conducting pedestrian and vehicle stops:
  - i. Be courteous, polite and professional at all times.
  - ii. Introduce yourself (Officer, then name and Palm Beach Gardens Police Department) and explain the reason for the stop as soon as practical, unless doing so will compromise the safety of the officer or other persons.
    - 1. Provide this information prior to asking for identification, driver's license, registration, etc.
  - iii. Ensure that the length of detention is no longer than necessary to take appropriate action for the known or suspected offense.
  - iv. Answer any questions the citizen may have, (including, if applicable, explaining options for the disposition of any issued traffic citation).
  - v. Provide your name and ID number when requested, preferably in writing or on a business card.
  - vi. In the event the reasonable suspicions were unfounded (e.g., after a BOLO stop), you should explain to the citizen the reason for the stop and why the citizen was detained.
  - vii. Ask the citizen if they have questions about the detention after explaining the reason for the stop, noting any reasonable concerns and answering as stated above in bullet 2(a)(i).

## **3. TRAINING**

- a. The Training Unit shall ensure that all members receive on-going training in subjects related to preventing bias-based profiling.
- b. Training may be offered as part of orientation, in-service training, line-up training, specialized training, or some combination thereof.
- c. Training should include field contacts, traffic stops, search and seizure issues, asset seizure and forfeiture, interview techniques, and cultural diversity.

## **4. REPORTING REQUIREMENTS AND ANALYSIS**

- a. In accordance with FSS 316.614(9), the Records Manager shall ensure that information from traffic citations for violations of FSS 316.614 and field interviews is entered into the Department's computer records and that information include the race and gender of any subjects.
  - i. The Records Manager shall compile reports summarizing those traffic citations by race and gender.
- b. The Internal Affairs function shall conduct a calendar year administrative review of those reports by comparing the data to countywide population figures in order to determine if any significant disparity exists.
  - i. Any significant disparities will be further analyzed to determine if they can be linked to individual officers.
- c. The Internal Affairs function shall annually conduct a documented administrative review of Department practices including citizen concerns.
  - i. This review shall include determining if there is any indication of enforcement activity motivated by bias.
- d. The Internal Affairs function shall prepare an annual report to the Chief of Police with the results of the analysis and review referred to in 4b and 4c.

**5. COMMUNITY EDUCATION / AWARENESS**

- a. The Community Involvement Unit shall keep the community aware of the Department's enforcement efforts.
- b. Community awareness may be achieved with the aid of several venues, which may include, but are not limited to, the following:
  - i. Department website
  - ii. Newspaper articles
  - iii. Citizens Police Academy
  - iv. Meetings with local civic groups
  - v. Homeowners associations, and other organizations
- c. Whenever appropriate, the Department shall cooperate with other organizations in community education and awareness efforts related to bias based policing.

**6. GLOSSARY/DEFINITIONS**

**Bias Based Profiling:** the selection of individuals for enforcement action 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.

**Reasonable Suspicion:** articulable facts that the subject of an enforcement action has committed, is committing, or is about to commit a crime or is presenting a threat to themselves or others.

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**INDEX AS:**

- BIASED BASED POLICING
- PROFILING
- RACIAL PROFILING

**RESPONSIBILITY INDEX**

- CHIEF OF POLICE
- ADMINISTRATIVE SUPPORT BUREAU MAJOR
- TRAINING
- RECORDS MANAGER
- INTERNAL AFFAIRS
- COMMUNITY INVOLVEMENT UNIT

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**APPROVED:**

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Stephen J. Stepp  
Chief of Police

12/02/2014  
Date