



**ORMOND BEACH POLICE DEPARTMENT**  
Chief Jesse Godfrey

**Departmental Standards Directive**

<b>TITLE:</b>	Biased Policing
<b>CODIFIED:</b>	B-1-19
<b>EFFECTIVE:</b>	10-16-2019
<b>RESCINDS:</b>	B-1-17
<b>ATTACHMENTS:</b>	0

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**PURPOSE**

The purpose of this policy is to establish that biased policing by Department members is unacceptable, to provide guidelines for members to prevent such occurrences, and to protect our members, when they act within the dictates of the law and policy, from unwarranted accusations. The Department will also provide initial and ongoing training in traffic stops in accordance with the Florida Criminal Justice Standards and Training Commission (CJSTC) guidelines.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is a 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 so long as they obey the law. They are also entitled to be free from crime and the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Ormond Beach Police Department is charged with protecting these rights for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion, or other belief system. Because of the nature of our business, members are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.

This policy is intended to assist the Department in accomplishing this mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

**SCOPE**

This order applies to all Police Department Members.

**POLICY**

It is the policy of this Department to patrol in a proactive manner, to thoroughly investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting 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, an infraction or violation of the law.

## PROCEDURE

In accordance with Florida Statutes, officers will not make traffic contacts, field contacts, searches and seizures, or asset seizure and forfeiture efforts using biased policing.

## STATUTORY AUTHORITY

- 1.1 **FS 166.0493: Powers, duties, and obligations of municipal law enforcement agencies.—** On or before January 1, 2002, every municipal law enforcement agency shall incorporate an antiracial or other antidiscriminatory profiling policy into the agency's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Antiprofiling policies shall include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

## OPERATIONS

- 2.1 Departmental efforts at proactive patrol will be directed toward assigning sworn members to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented.
- 2.2 Members will receive initial and ongoing training in fair and impartial policing issues and proactive enforcement tactics, including officer safety, courtesy, cultural diversity, laws governing search and seizure (and other legal aspects), and interpersonal communications skills, in accordance with CJSTC guidelines. Training programs will emphasize the need to respect the rights of all persons to be free from unreasonable government intrusion or police action. (CFA 2.06.A)
- 2.3 Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the standards of reasonableness in conducting such activities. 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 an infraction or other articulable violation of law.
- 2.4 Traffic stops will be conducted in compliance with the Department Directives, *Traffic Law Enforcement* and *Patrol Administration and Operation*.
- 2.5 The department recognizes that with experience, officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. While not specifically required, the following is a recommended approach and contact:
- A. Give a greeting, such as "Good morning, ma'am", "Good evening, sir", etc.
  - B. Identify yourself. Example: "I am Officer Smith of the Ormond Beach Police Department."
  - C. State the reason why the person is being stopped or detained. E.g., "I stopped you because I saw your vehicle go through the stop sign at that last intersection without coming to a complete stop." (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.)
  - D. It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say", often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
  - E. Politely ask for identification and any required documents. Example: "May I please see your license, registration, and proof of insurance?"

- F. After completing any necessary paperwork, inform the driver or pedestrian as to what action is being taken, if any, and what the person must do as a result, such as how to pay any fine involved, obtain a traffic court hearing, etc.
  - G. Give an appropriate closing. For example, if the motorist was cooperative, "Thank you for your cooperation" may be in order. Do not use the trite expression, "Have a nice day", which would be inappropriate in these circumstances. "Please drive carefully, your safety is important to us" is more appropriate.
  - H. Make sure the driver is able to merge safely back into the traffic stream.
- 2.6 Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The citation or other paperwork will include the gender, race, or ethnicity of the person stopped, as determined by the observations of the officer.
- 2.7 No motorist, once cited or warned, shall be detained beyond a point where there exists no reasonable suspicion of further criminal activity. No person or vehicle shall be searched in the absence of a warrant, a legally-recognized exception to the warrant requirement, or the person's voluntary consent.
- 2.8 In each case where a search is conducted, information will be recorded, including the legal basis for the search and the results thereof. A Computer Aided Dispatch (CAD) entry may satisfy the recording requirement if a search did not result in a seizure and/or a complaint or arrest. Consent searches will generally be conducted with written consent, using the proper department form(s).
- 2.9 If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign", inserting initials and the signature of any witnesses in the signature block.
- 2.10 If the police vehicle is equipped with a video camera, the equipment will be utilized in compliance with the Departmental Directive, *Digital Imaging and Audio/Video Recording*.
- 2.11 In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender, or sexual orientation, or any combination of these shall not be a factor in determining reasonable suspicion for a stop or probable cause for an arrest.
- 2.12 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 is cause for disciplinary action, up to and including dismissal.

## **COMPLAINTS OF BIASED POLICING**

- 3.1 Any person may file a complaint with the department if they feel they have been detained, stopped, or searched based on bias. This may include racial, ethnic, or gender-based profiling and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- 3.2 Biased policing complaints will be processed in the same manner as other complaints against officers as provided for in the Departmental Directive, *Administrative Investigations and Misconduct Complaint Processing*.
- 3.3 Officers found to have committed a sustained allegation of biased policing will be subject to disciplinary action, up to and including termination. In addition to disciplinary action, members may be required to undergo remedial training in appropriate topics.

- 3.4 Supervisors shall review profiling complaints and documentation filed on stops by subordinates, and randomly respond to back up sworn members on vehicle stops. Supervisors shall take appropriate action whenever it appears that this directive is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads.

## ANNUAL ADMINISTRATIVE REVIEW

- 4.1 The Support Services Captain will conduct an annual administrative review of traffic stop procedures, to include citations, field interviews, and forfeiture and seizure statistics for indications of biased policing trends. This review will also summarize citizen concerns, complaints, and agency practices regarding biased policing.
- 4.2 Annually, the department shall make public a statistical summary of all profiling complaints for the year, including the findings as to whether they were sustained, not sustained, or exonerated.

## COMMUNITY EDUCATION AND AWARENESS

- 5.1 Formal programs such as the Citizen's Police Academy, Ride-Along Program, and Volunteer Patrol Program shall incorporate a component to foster understanding of the Department's biased policing policy and actions taken to prevent inappropriate activity. This Directive will be posted on the City of Ormond Beach website, Police Department page.

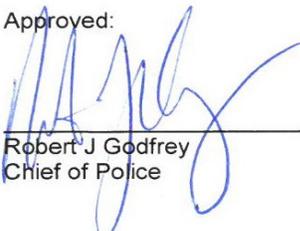
## GLOSSARY

**BIASED POLICING:** The inappropriate consideration of specified characteristics while enforcing the law or providing police services. Specified characteristics includes, but is not limited to, race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, political status, or any other legally protected characteristics.

**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 police officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

Revised by: JO Revised  
on: October 16, 2019

Approved:

  
Robert J Godfrey  
Chief of Police