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	SUBJECT: BIASED POLICING			
RELATED CFA STANDARDS: 2.06				

PURPOSE

The purpose of this policy is to unequivocally state that biased policing is totally unacceptable, to provide guidelines for sworn members to prevent such occurrences, and to protect our sworn members when they act within the dictates of the law and policy from unwarranted accusations.

SCOPE

This procedure shall apply to all Sheriff’s Office Personnel.

DISCUSSION

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

The Martin County Sheriff’s Office is charged with protecting these rights for all, regardless of race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, political status, or any other legally protected characteristics.

Because of the nature of their business, law enforcement officers 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.

POLICY

It is the policy of this Office to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws. This will occur 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 of the law. It is against the policy of this Agency to conduct biased policing while conducting traffic contacts, field contacts, searches and seizures, asset seizures and forfeiture efforts.

DEFINITIONS

- A. **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.
- B. **Reasonable 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 a sworn member combined with his or her training and experience, and/or reliable information received from credible outside sources.

I. PROCEDURE

- A. The Sheriff's Office efforts 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 through proactive patrol.
- B. Sworn members will receive training in proactive enforcement tactics, including training in officer safety, courtesy, human diversity, the laws governing search and seizure, and interpersonal communication skills.
- C. Agency enforcement personnel will receive training in fair and impartial policing, to include legal aspects; in accordance with Florida Statutes.
- D. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that sworn members do not go beyond the parameters of reasonableness in conducting such activities.
- E. 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. Each time a motorist is stopped, the sworn member shall radio to the dispatcher the location of the stop, the description of the vehicle, and person(s) being detained, if possible. This information shall be logged.
- F. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognizable exception to the warrant requirements, or the person's voluntary consent.
- G. Patrol vehicles equipped with a video camera will adhere to Agency in-car video procedures.
- H. 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 probable cause for an arrest or reasonable suspicion for a stop.

- I. 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.

II. COMPLAINTS OF BIASED POLICING

- A. Any person may file a complaint with the Sheriff's Office if they feel they have been stopped or searched based on biased policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- B. Any member contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of a citizen complaint form which may be mailed or delivered in person to the Sheriff's Office and report the contact and related complainant's information to their supervisor prior to the end of shift.
- C. The supervisor receiving such a report shall forward it to Professional Standards. All such complaints shall be reviewed and handled in accordance with Standard Operating Procedure **222.00 Internal Investigations**. The report and findings will be forwarded to the Sheriff for review. Dependent on the finding of each complaint, as well as the specific factors involved, corrective measures will be taken to remedy violations of this procedure. Corrective measures include, but are not limited to, disciplinary action, additional training, or changes in policy, if necessary.

III. COMMUNITY EDUCATION AND AWARENESS

- A. Biased policing will be addressed on the Martin County Sheriff's Office web-site. In addition, a copy of the Agency's Biased Policing Procedure will be available on the website.

IV. ADMINISTRATIVE REVIEW

- A. Annual Administrative Reviews of Agency practices involving biased policing shall be conducted by the Uniform Road Patrol Division Commander and the Commander of Professional Standards.
- B. The Uniform Road Patrol Division review will include traffic stop procedures related to fair and impartial policing. As part of the reviews, information obtained through the following supervisory activities will be considered:
 - 1. Reports generated by the Uniform Road Patrol Division are screened by designated supervisors in the respective Divisions. These reports include, but are not limited to, reports originating from traffic stops, offense incident reports, arrest affidavits and traffic citations.
 - 2. Uniform Road Patrol Division supervisors routinely respond as back-up for sworn members on traffic stops. In addition to providing back-up for officer safety purposes, the

supervisors are provided an opportunity to observe officer interaction and ensure procedures are adhered to regarding traffic contacts, searches and seizures, asset seizures and forfeiture efforts.

3. If a pattern of biased policing is identified and found to be in violation of Agency policies and procedures, corrective action will be recommended and documented.
- C. The Professional Standards review will include a summary of all biased policing complaints for the year, including the related investigative findings. In addition, the review will reflect any corrective action that was recommended and/or taken for sustained complaints.
 - D. Upon completion, the Administrative Reviews will be submitted to the Chief of Staff for review in memorandum form with copies to the Accreditation Manager for the accreditation file.

Drafted by: whp #1025
Date: 09-26-01



Sheriff William D. Snyder