

FLORENCE POLICE DEPARTMENT GENERAL ORDER

Subject: <p style="text-align: center;">BIAS BASED PROFILING</p>	Procedure: <p style="text-align: center;">General Order 1.2.9 CALEA 1.2.9</p>	Total Pages: <p style="text-align: center;">3</p>
Authorizing Signature: Original with Authorizing Signature on File	Effective: 07/26/2011 <input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	

I. POLICY

It is the policy of this Department to respect the constitutional rights of all people. This Department's success is based on the respect its employees show to the community and the respect citizens observe toward law enforcement. To this end, the gender, sexual orientation, age, ethnicity, disability, political affiliation, religion, national origin, economic status, cultural group or race of an individual shall not be the sole factor in determining the existence of probable cause to take into custody or to arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

This Department does recognize the value of criminal profiling as a useful tool to assist law enforcement officers in carrying out their duties. Officers are prohibited, however, from practicing bias based profiling in any manner. This includes the use of bias based profiling in traffic enforcement, suspect and vehicle searches, property seizures/forfeitures, and field contacts.

NOTE: This policy statement and the procedures there under are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

II. PURPOSE

This written order establishes guidelines and procedures that assure the public we are providing police service and enforcing laws in a fair and equitable manner. This directive will also provide guidelines for employees to prevent occurrences of bias based profiling, and to protect employees when they act within the dictates of the law and policy from unwarranted accusations.

Except as provided below, officers shall not consider race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable trait of a person while establishing either reasonable suspicion or probable cause.

General Order 1.2.9
Bias Based Profiling

Officers may take into account the reported race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group affiliation of a specific suspect(s) based upon credible, reliable, and/or locally-relevant information that, upon investigation, may link a person (or persons) of a specific group to a particular criminal incident or series of crimes due to their physical characteristics or affiliation with a specific group.

III. SCOPE

This written order is applicable to all personnel.

IV. RESPONSIBILITY

It shall be the responsibility of all employees to comply with this directive.

V. DEFINITIONS

A. **BIAS BASED PROFILING:** The selection of individuals for enforcement action based solely on a common trait of a group, such as race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable trait of a group. (This however, does not preclude consideration of race or ethnicity when it is part of a suspect's description or is otherwise validly related to an officer's investigation of criminal activity.)

B. **REASONABLE SUSPICION:** Suspicion that is more than a mere hunch. It is a conclusion based on a set or articulable facts and circumstances that would warrant a person of reasonable caution to believe 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 observation of a police officer combined with his or her training and experience, and/or reliable information received from credible sources. Reasonable suspicion is a lesser standard than the requirements of probable cause.

VI. PROCEDURES

A. Except as provided above, no person shall be singled out or otherwise treated differently because of his/her race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable trait of a group.

B. All investigative detentions, traffic stops, arrests and searches and seizures of property by officers will be based upon a standard of reasonable suspicion or probable cause as required by the Fourth Amendment.

C. In an effort to prevent perceptions of bias based profiling, officers should consider the following guidelines when conducting pedestrian and vehicle stops:

1. Be courteous, polite and professional.

General Order 1.2.9
Bias Based Profiling

2. Introduce him/herself and ask for driver's license or other form of identification. Explain to the citizen the reason for the stop as soon as practical, unless providing this information will compromise the safety of officers or other persons. In vehicle stops, officers will generally request the driver's license and registration prior to providing the reason for the stop.
3. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
4. Answer any questions the citizen may have, including explaining options for the disposition of the traffic citation, if relevant.
5. Provide his/her name and badge number when requested.
6. Explain to the citizen the circumstances when it is determined that the reasonable suspicions were unfounded (e.g., after a BOLO stop).

VII. TRAINING

This Department has and will continue to train all sworn personnel in proactive enforcement tactics. Sworn officers receive instructions in officer safety, courtesy, cultural diversity, laws governing search and seizure, interpersonal communications, bias based profiling issues including legal aspects, and other related topics. Officers will continue to receive similar training and periodic refreshers. These training programs will also emphasize the need to respect the rights of all citizens to be free from unreasonable police actions.

VIII. POLICY VIOLATIONS

Violations of this written directive will result in progressive discipline and/or remedial training.

IX. ANNUAL ADMINISTRATIVE REVIEW

No later than the second quarter of each year, the Captain of Internal Affairs will prepare and submit a report on Internal Affairs complaints and disciplinary actions known to him/her for the preceding year. This administrative review should include a review the agency's practices including citizen concerns, and related training. This review shall be documented in the minutes of the staff meeting.