



WEST PALM BEACH POLICE DEPARTMENT

Standard Operating Procedure I-4

UNBIASED POLICING

Revised: November 11, 2019

I. PURPOSE:

This policy is intended to reaffirm this department's commitment to unbiased, equitable treatment of all persons. Fair and impartial policing, and to clarify the circumstances in which officers can consider race, ethnicity, national origin, gender, sexual orientation/identity, socio-economic status, religion, and/or age when making law enforcement decisions. Biased policing undermines legitimate law enforcement efforts, alienates community members and fosters community distrust.

II. POLICY:

The West Palm Beach Police Department has established guidelines for its members to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws.

In conducting law enforcement activities, personnel may not consider race, ethnicity, national origin, gender, sexual orientation/identity, socio economic status, religion, and or/age except when credible intelligence relevant to the locality and time frame links a person or people of a specific race, ethnicity, national origin, gender, sexual orientation/identity, socio economic status, religion, and or/age to a specific unlawful incident or to specific unlawful incidents, criminal patterns or schemes.

It is biased policing if an officer's decisions/actions are based solely on the fact the individual's demographics are different from the demographics of the majority of the residents in the area in which the individual is found.

III. DEFINITIONS:

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.

Fair and Impartial Treatment - Persons, irrespective of race or other distinctions, are treated in the same basic manner under the same or 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.

Police Services - Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention; preventive patrol; traffic control; public information; education; and similar activities.

Reasonable Suspicion - Also referred to 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 to believe 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 may be based on the observations of a police officer combined with that officer's training and experience, and/or reliable information received from credible outside sources.

Specified Characteristics - Race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, or political status.

IV. TRAINING:

- A. All sworn officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, cultural and human diversity, the laws governing search and seizure, and interpersonal communications skills.
- B. Training programs emphasize legal aspects of biased policing, in accordance with CJST guidelines and Florida Statutes which stress the need for each officer to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

V. ENFORCEMENT:

- A. The West Palm Beach Police Department will direct its efforts toward assigning officers to those areas where there is the highest likelihood that traffic crashes will be reduced, and crimes prevented through proactive police patrol or presence.
- B. Fair and Impartial Treatment
 - 1. It is the policy of this department to enforce the law and deliver police services Equally, fairly and without discrimination toward any individual or group.
 - 2. Agency personnel may only consider the specified characteristics when performing law enforcement duties or delivering police services when seeking one or more specific individuals who have been identified or described in part by any of the specified characteristics. In those circumstances, personnel may rely on these characteristics only in combination with other appropriate factors.

3. It is biased policing if an officer's decisions/actions are based on the fact the individual's demographics (e.g., race, income) are different from the demographics of the majority of the residents in the area in which the individual is found.
 4. Unless exigent circumstances exist, officers shall not engage in a law enforcement matter when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the officer's objectivity may be, or may appear to be compromised. In situations where the officer is personally involved, he or she will summon other officers for assistance.
- C. Motorists and pedestrians will be subjected to stops, seizures or detentions only upon reasonable suspicion they have committed, are committing, or are about to commit an infraction.
1. Each time a motorist is stopped, the officer will radio Dispatch Operations the location of the stop and the description of the person or vehicle being detained.
 2. At no time will a West Palm Beach Police Officer use biased policing in initiating traffic stops, field contacts, or determining asset seizure or forfeiture efforts.
 3. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure officers do not go beyond the parameters of reasonableness in conducting such activities.
 4. The appropriate enforcement action will be completed in the form of a warning, citation or arrest.
 5. The proper form must be filled out by the officer, and include the gender, race or ethnicity of the person stopped when the information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
 6. Officers are not to use a person's race, ethnicity, or national origin as the only determining factor whether a specific individual is a member of a criminal organization.
 7. Officers who have knowledge a particular individual is a member of a criminal organization may legitimately use that information as a factor in the totality of the circumstances that may indicate ongoing criminal activity.
 8. Officers may use race or ethnicity to determine whether a person matches a specific description of a particular suspect.

VI. COMPLIANCE:

- A. The perception that some police officers are engaging in biased policing creates resentment and distrust of the police, making some members of the community less willing to trust and confide in police officers, report crimes, participate in problem-solving activities, be witnesses at trials, or serve on juries.

- B** Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, where appropriate, officers are encouraged to intervene at the time the biased policing incident occurs.
- C.** Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and will be alert and respond to indications that biased policing is occurring.
- D.** The Department encourages any person who feels they have been stopped or searched based solely on their race, ethnicity, gender, sexual orientation, gender, sexual orientation/identity, socio-economic status, religion, and/or age, or country of origin to file a complaint with the West Palm Beach Police Department.
 - 1.** No person will be discouraged, intimidated, or coerced from filing such a complaint or discriminated against because they have filed such a complaint.
- E.** Officers contacted by a person who wishes to file a complaint will assist the citizen by directing the person to the offending member's supervisor or an on-duty shift commander.
 - 1.** When requested, officers will provide the complainant with the proper mailing address of the Department so the complaint may be mailed.
- F.** All external complaints and internal complaints that cannot be resolved effectively and appropriately by supervisory personnel-or that are determined to be potentially serious in nature-shall be forwarded to the agency's internal affair's office or other designated authority for investigation.

VII. ANNUAL REVIEW OF BIASED POLICING:

- A.** The Internal Affairs Unit Commander will incorporate all complaints of biased policing to include citizen concerns in the Annual Internal Affairs Report.
 - 1.** The Accreditation Manager will review this policy annually to incorporate changes, when needed.

VIII. DISCIPLINE, COUNSELING, AND RETRAINING:

- A.** Discipline and or retraining may be given/imposed against a member of the Department for violation of this policy subject to the City of West Palm Beach Personnel Manual, any applicable collective bargaining agreements, and, when necessary, the approval of the Chief of Police.

IX. COMMUNITY EDUCATION AND AWARENESS:

- A. To ensure the public of our commitment against biased policing, the Department will make this policy available to the community on the [police website](#).
1. The policy will be discussed during Citizen Police Academies, Crime Prevention Block Captain's meetings, and other events which include citizen contact where appropriate.

X. REFERENCE:

- SOP # I-1 Code of Conduct and Ethics of Police Department Members.
- SOP # III-1 Arrest Procedures.
- SOP # III-4 Law Enforcement Response.
- SOP # III-24 Stopping and approaching vehicles.
- SOP # IV-22 Internal Affairs Function.

Approved:

Signature on file

Frank Adderley, Chief of Police

January 27, 2020

Date: