

SUNRISE POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL CHAPTER 15 UNBIASED POLICING	Effective Date	05/01/87
	Revision Date	06/29/20
	Revision No.	1.5
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	Approval:	

15. PURPOSE

Biased Policing undermines legitimate law enforcement efforts, alienates community members and fosters community distrust. The purpose of this policy is to emphasize this agency’s commitment to unbiased, equitable treatment of all persons.

15.1. REVISION HISTORY

<u>Date</u>	<u>Rev. No.</u>	<u>Change</u>	<u>Reference Section</u>
05/01/87	1.0	New Policy	Employee Assistance Program
08/06/01	1.1	Policy Rescinded	Reserved for future use
01/01/02	1.2	New Policy	Bias-Based Profiling
01/15/10	1.3	Definitions, Community Education, Administrative Review	15.4., 15.6.1.3., 15.6.3., 15.6.7.
01/29/14	1.4	Deleted CALEA, 15.6.4.1.9.-15.6.4.1.9.1.1., 15.6.1.1.1.	Throughout Policy, Added Residence and Emphasized Consent to Enter and Search Form, Handcuffing a subject.
06/29/20	1.5	Revised Entire Policy	Entire Policy

15.2. PERSONS AFFECTED

All Police Personnel

15.3. POLICY

It is the policy of the Sunrise Police Department to provide Fair and Impartial Treatment to people when providing Police Services; in accordance with law, and without the inappropriate consideration of their Specified Characteristics as defined by this policy.

15.4. DEFINITIONS

15.4.1. Biased Policing – The inappropriate consideration of Specified Characteristics when enforcing the law or providing Police Services. (CFA: 2.06C)

15.4.2. Law Enforcement Activity – Activities both on and off-duty undertaken by members of the Department that arise from their authority related to employment, oath of office, state statute or city ordinance. Activities include, but are not limited to arrests, investigations, traffic stops, detentions, field contacts, searches and seizures or asset and forfeiture seizures.

15.4.3. 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 a violation 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 information can be based on observations, training and experience or reliable information received from credible outside sources.

15.4.4. Organizational Philosophy – The organizational philosophy of the Sunrise Police Department consists of its Mission Statement, Organizational Values and Organizational Goals.

15.4.5 Fair and Impartial Treatment – Persons, irrespective of Specified Characteristics, 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.

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

15.4.7. 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.

15.5. RESPONSIBILITIES

15.5.1. All Police Personnel are responsible for complying with this policy. Supervisory Personnel are responsible for the enforcement of this policy. Unjustified violations may result in disciplinary action up to, and including, termination.

15.6. PROCEDURES

15.6.1. Department members may only consider the Specified characteristics when performing law enforcement activities 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.

15.6.2. It is Biased Policing if an officer's decisions/actions are based on the fact that 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.

15.6.3. All law enforcement activity will be based on reasonable suspicion or probable cause as required by local laws, Florida Statutes, Constitution of the State of Florida and the Constitution of the United States.

15.6.3.1. Officers must be able to articulate specific facts, circumstances and conclusions, which support reasonable suspicion or probable cause for all enforcement actions.

15.6.3.1.1. During a temporary detention based on reasonable suspicion, if an officer determines that facts arise which cause a concern for officer safety and the subject must be handcuffed, this action will be documented in a police report or Field Information Report to articulate the said facts.

15.6.1.4. Officers will not use Biased Policing to establish reasonable suspicion or probable cause when initiating law enforcement activity. This includes, but is not limited to: traffic contacts, field contacts, search warrants, and asset forfeiture.

15.6.1.5. Persons will not be singled out or otherwise treated differently because of their Specified Characteristics.

15.6.2. Training: (CFA: 2.06A)

15.6.2.1. Officers will receive initial and periodic training designed to deter Biased Policing and, where deemed necessary, remedial training. Applicable training courses may include, but not be limited to, officer safety, courtesy, cultural diversity, search and seizure, asset seizure and forfeiture, interview techniques, interpersonal communication skills and constitutional and case law.

15.6.2.2. In keeping with the Department's Organizational Philosophy, training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable intrusion or police action. Documentation will be in accordance with CJSTC guidelines.

15.6.3. Community Education and Awareness Efforts: (CFA: 2.06D)

15.6.3.1. The Annual Administrative Review findings of the Department's practices may be presented during public education programs and community meetings and made available to the public upon request.

15.6.4. Traffic/Investigative Stops:

15.6.4.1. Officers will, as necessary and professionally appropriate, use techniques and strategies designed to prevent the perception of Biased Policing. These techniques include, but are not limited to:

15.6.4.1.1. Be courteous, polite and professional.

15.6.4.1.2. Provide your name and agency information along with explaining your purpose as related to specific law enforcement activities as soon as practical, unless doing so compromises the safety of officers or others.

15.6.4.1.3. Answer questions citizens may have, including any options for dispositions of related enforcement actions.

15.6.4.1.4. Provide your name and IBM number verbally or in writing, when requested.

15.6.4.1.5. Explain what circumstances led to the stop.

15.6.4.1.6. Request the presence of supervisory or administrative ranked officers to allow citizens to voice their field contact or enforcement-related concerns.

15.6.4.1.7. Explain the Department's complaint process, when necessary.

15.6.4.1.8. Ensure that the length of traffic stops, investigative detentions, field contacts, etc., are no longer than necessary to take appropriate actions.

15.6.4.1.9. No person, vehicle or residence will be searched in the absence of a warrant, a legally recognized exception to the warrant requirement or voluntary consent.

15.6.4.1.9.1. Although consent to search may be given orally or in writing, it is the policy of the Department to document the consent whenever possible in order to preserve evidence, protect constitutional rights and prevent disputes regarding the validity of the consent. Therefore, a written consent should be obtained whenever possible using the Department's Consent to Enter and Search form for voluntary consent searches.

15.6.4.1.9.1.1. Officers should have the person providing the consent sign the form. The person providing the consent must have authority to permit the entry and search of the area(s) to be searched.

15.6.4.1.10. It is the responsibility of Department supervisors to provide consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting enforcement activities as described herein.

15.6.5. Public Complaints: (CFA: 2.06F)

15.6.5.1. Any person may file a complaint with the Department if they feel they have been a victim of Biased Policing. No person shall be discouraged, discriminated against, intimidated or coerced from filing such complaint.

15.6.5.2. Any members of the Department contacted by a citizen who wishes to file such a complaint will initiate the necessary paperwork as prescribed by Department policy for handling citizen complaints.

15.6.5.3. All complaints of this nature will be forwarded to the Chief of Police, via chain of command. The Chief may direct an Internal Affairs investigation or other investigation as deemed necessary.

15.6.5.4. Members who witness or who are aware of instances of Biased Policing shall report the incident to a supervisor immediately.

15.6.6. Corrective Measures: (CFA: 2.06B)

15.6.6.1. All complaints of Biased Policing, upon conclusion, will be forwarded to the Chief of Police and will contain findings, suggestions for changes in policy, training or tactics as necessary.

15.6.6.2. Dependent on the findings of each complaint as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include, but are not limited to, training, counseling, policy review and discipline up to and including termination of employment.

15.6.7. Administrative Review: (CFA: 2.06E)

15.6.7.1. The Internal Affairs Unit will conduct an annual administrative review of Department practices involving Biased Policing. The review of Police Services will include, but is not limited to areas such as traffic stops, search and seizure, and asset forfeiture as it relates to Fair and Impartial Treatment.

15.6.7.2. The Internal Affairs Unit will forward the documented annual administrative review to the Chief of Police. The Unit may also provide a statistical summary of all Biased Policing complaints in its quarterly reports to the Chief of Police.