



DAYTONA BEACH POLICE DEPARTMENT

Departmental Standards Directive

BIAS BASED PROFILING

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PURPOSE

The purpose of this directive is to ensure that employees of the Daytona Beach Police Department provide citizens with the highest degree of law enforcement services, regardless of race, ethnic origin, gender, age, income status, sexual orientation, and religious or political affiliation in order to prevent any type of bias based profiling.

Community education and awareness shall be made available to all citizens through posted literature, and the professionalism of personnel

DISCUSSION

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the right to equal protection under the law. Along with this right is the fundamental right to be free from unreasonable searches and seizures by government agencies. 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 from the depredations of criminals, and to remain safe from the actions of reckless and careless drivers.

The Daytona Beach Police Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, gender, sexual orientation, religious or political affiliation, physical handicap, or other belief system.

Because of the nature of their business, law enforcement officers are required to be observant to the identity of unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime and the streets and highways they travel upon safe.

This policy is intended to assist the officers of the Daytona Beach Police 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 violators that, if a law is violated, a police encounter will follow.

POLICY

It shall be the policy of the Daytona Beach Police Department that all contacts with members of the public are done with fairness, equity, and honesty. Any conduct, which deviates from this directive will not be tolerated and will result in disciplinary action up to and including termination. It is the policy of the Daytona Beach Police Department to define the procedures and practices prohibiting the "bias based profiling" of individuals in accordance with Florida Statutes for traffic contacts, field contacts, searches and seizures, asset seizure and forfeiture efforts, detention, interdiction, or other enforcement action by members of the Daytona Beach Police Department. The Daytona Beach Police Department prohibits the use of unlawful bias based profiling in accordance with the laws of the Federal government, the State of Florida and the Ordinances of the City of Daytona Beach. All enforcement actions shall be in accordance with Florida State Statute.

It shall be the department's policy to train Department employees, take corrective measures when necessary, and annually review the department's practices including citizen complaints and documented concerns involving bias-based profiling. The annual documented reviews will also include the areas of forfeitures, traffic stops and seizures which will be forwarded to the Accreditation office.

PROCEDURE

The procedure of this directive establishes steps in a definite order of guidelines, rules and regulations to perform and to comply with the policy of this directive

DEFINITIONS

Bias Based Profiling: For the purpose of this directive, bias based profiling is defined as the selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes the exercise of discretionary police authority based solely upon an individual's race, ethnic origin, gender, age, income status, sexual orientation, religious, or political affiliation, and any other identifiable group.

Police Authority: For the purpose of this directive, police authority is defined as enforcement action, including, but not limited to, vehicle and pedestrian stops, stop and frisks, field contacts, detention, questioning, investigation, reporting, arrests, application of force, and asset seizure, or forfeiture proceedings.

Reasonable Suspicion: For the purpose of this directive reasonable suspicion is also known as articulable suspicion is suspicion that is more than a mere hunch, but is based on a set of 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 observation of the officer combined with their training and experience and/or reliable information received from credible outside sources.

PROHIBITION

500.1 Employees of the Daytona Beach Police Department shall not, directly or indirectly, participate in prohibited enforcement profiling by abusing police authority. The prohibition of any enforcement profiling based on an individual's age shall not be intended to limit the authority of an officer to enforce laws relating to truancy, alcoholic beverage, traffic, curfew, or other violations where age is a legitimate basis for enforcement.

500.2 Biased based profiling shall be prohibited to include but not limited to:

- Traffic contacts;
- Field contacts;
- Searches and seizures;

- Asset seizure and forfeiture efforts;
- Any other law enforcement activities.

500.3 The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigation or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.

500.4 In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender, or any combination of these, shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

500.5 See the personal complaints directive #1230 for information on complaint filing. If any employee is found to be in violation of this policy then, corrective measures shall be taken to ensure that bias profiling does not occur. These corrective measures may be found in the discipline directive #1206

TRAINING

500.6 All employees shall be offered training in the areas of bias based profiling. Sworn members shall attend training including legal aspects, as required by the department, according to the Criminal Justice Standards Training Commission guidelines in the area of bias profiling.

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