



DAYTONA BEACH POLICE DEPARTMENT
Chief Michael J. Chitwood

Departmental Standards Directive

TITLE: 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 legitimate objective of law enforcement agencies is protecting the public by enforcing laws in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority, while protecting the rights of all persons. To this end, enforcement action must be based upon law in accordance with the policies and procedures of the department.

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 searches and seizures which will be forwarded to the Accreditation office.

DEFINITIONS

71.3.1 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.

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.

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, searches and seizures, application of force, and asset seizure, or forfeiture proceedings.

PROHIBITION

71.3.2 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.

71.3.3 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.

71.3.4 A supervisor shall review all citizen complaints, with immediate and appropriate action being taken, whenever it appears that this policy is being violated.

71.3.5 All complaints received from persons alleging violations of this directive shall be forwarded to the Support Bureau Deputy Chief for investigation. Investigative findings shall be forwarded to the Chief of Police for review and disposition. In accordance with Directive 73.1

71.3.6 Any disciplinary recommendations and suggestions involving changes in policy, training, or tactics as a result of such investigations shall be forwarded to the Chief of Police.

71.3.7 A citizen complaint form shall be completed on all citizen complaints of employee misconduct by the supervisor who first receives the complaint, including the initial findings by the supervisor receiving the complaint.

71.3.8 If an employee is found to be in violation of this policy then, corrective measures shall be taken to ensure that Bias Based Profiling does not occur. These corrective measures shall be in accordance to Disciplinary Procedures, Directive 7.1.

TRAINING

71.3.9 All employees shall be offered training in the area of bias based profiling. Sworn members shall attend legal training and refresher 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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APPROVED: _____

MICHAEL J. CHITWOOD
CHIEF OF POLICE

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