

# LAKE CITY POLICE DEPARTMENT GENERAL ORDERS MANUAL

	<b>SUBJECT</b>  <p style="text-align: center;">BIAS-BASED PROFILING</p>		
	<b>CHIEF OF POLICE</b>  		
<b>NUMBER</b> 122	<b>ISSUE DATE</b> April 4, 2011	<b>REVISION DATE</b> February 2, 2022	<b>TOTAL PAGES</b> 6

## AUTHORITY/RELATED REFERENCES

General Order 129, Recording Devices

## ACCREDITATION REFERENCES

CFA Ver. 5.16; Chapter 2

## SUPPORTING FORMS

PD-27C, Citizen Complaint Form  
 PD-173, Consent to Search

## KEY WORD(S) INDEX

122.01 Policy	122.20 Procedure	
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Biased-based profiling in the Lake City Police Department is a totally unacceptable practice in any law enforcement activities including, but not limited to, traffic contacts, field contacts, searches, seizures, and in asset seizure and forfeiture efforts. This policy will provide guidelines for members to prevent such occurrences and to protect members of the department from unwarranted accusations when they act within the dictates of the law and policy. (CFA 2.08M "A")

## 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 to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents.

Citizens are free to walk and drive the streets, highways, and other public places without police interference so long as they obey the law. Citizens are also entitled to be free from crime and the depredations of criminals, and to drive and walk in public, safe from the actions of reckless and careless drivers.

The Lake City Police Department is charged with protecting these rights for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system. Because of the nature of the business, members are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.

This policy is intended to assist the Lake City Police Department in accomplishing our total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers: if they break the law, they are likely to encounter the police.

## **122.01 Policy**

It is the policy of the Lake City Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit an infraction of the law. This applies to traffic contacts, field contacts and in asset seizure and forfeiture efforts.

### **122.10 Definitions –** The following definitions shall be used throughout this policy:

**Biased-Based Profiling** - Biased-based profiling is the selection of an individual based solely on a trait common to a group for enforcement action. This includes, but is not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. (CFA 2.06M “C”)

**Reasonable Suspicion** - Also known 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 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 observations of a police officer combined with his/her training and experience and/or reliable information received from credible outside sources. (CFA 2.06M “C”)

### **122.20 I. Procedure**

Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. The proper form must be filled out by the officer and shall include the gender, race or ethnicity of the person stopped only if this information can reasonably be ascertained by physical appearance or from the driver’s license or other documents provided by the individual. No motorist, once cited or warned, shall be

detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent.

In each case where a search is conducted, this information shall be recorded, including the legal basis for the search and the results thereof. It is strongly recommended consent searches only be conducted with written consent using the PD-173 Consent to Search form. If the individual indicates they will consent to a search, but are refusing to sign the form, fill out the PD-173 Consent to Search form and indicate, "consented to search, but refused to sign," inserting initials and the signature of any witness in the signature block.

- A. If the police vehicle is equipped with a video camera, the video and sound shall be activated prior to the stop to record the behavior of the vehicle or person. The video camera shall remain activated until the person is released and resumes his or her journey, in accordance with General Order 129 (Recording Devices).
- B. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation, or any combination of these, shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- C. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and is a cause for disciplinary action, up to, and including, dismissal.
- D. The Lake City Police Department recognizes that with experience, individual officers may develop individualized approaches they find work best for them in minimizing conflict during officer/violator contacts. Absent some better approach, the following is recommended in the order specified below: (CFA 2.08M "E")
  - 1. Radio the stop indicating the following information (in the following order as outlined in GO-300 Communications Section 60.A.26):
    - a. State of registration and tag number of the vehicle
    - b. Make, model, color and approximate year of the vehicle
    - c. Number of occupants in the vehicle (if still moving)
    - d. Location of the stop (or roadway and direction of travel)
    - e. Probable cause (PC) for the stop
  - 2. At the beginning of every traffic stop, the member shall notify the person(s) stopped they are being audio and video recorded. The member's statement

should be similar to the following example as outlined in GO-129 - Recording Devices Section 20.C.1.a.ii:

- a. "Hello. I am (rank and name) of the Lake City Police Department. May I please see your driver's license and vehicle registration? We are being audibly and visually recorded." (After receiving the requested documents) "I stopped you for (violation)."
  2. Politely inform the violator what traffic law he/she has violated; the violator should not be kept in suspense. (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension; for example, "I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a complete stop.")
  3. Politely ask the violator for driver's license, vehicle registration, and proof of insurance. Accept only these forms; obtain another document of identification only if the driver has no driver's license.
  4. Give the violator an opportunity to "have their say" which often leads to an admission the violator realized they were in violation and precludes a defendant from offering a different excuse at trial. If you choose not to ask, but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
  5. Complete the forms required for the enforcement action, if any, and explain to the violator what he/she must do in response to the action taken.
  6. Have the violator sign the citation and return the violator's driver's license, registration, proof of insurance, a copy of the citation and the court information envelope.
  7. Give an appropriate closing. If the motorist was cooperative, you could say the following: "Thank you for your cooperation." Do not use the trite expression, "Have a nice day," which would be inappropriate under these circumstances. "Please drive carefully. Your safety is important to us," is more appropriate.
  8. Assist the violator in safely re-entering the traffic flow.
- E. The department's concentrated traffic enforcement efforts will be directed toward areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol, or in response to traffic complaints. This in no way implies officers should refrain from proactively enforcing traffic regulations within their assigned areas.
- F. Officers will receive initial and ongoing training in proactive enforcement tactics including legal aspects; particularly those officers whose primary responsibility is traffic enforcement. (CFA 2.06M "A")

1. This training shall include officer safety, courtesy, cultural diversity, search and seizure laws, and interpersonal communication skills. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or bias-based profiling.
  2. This training will be accomplished by in-service training or other qualifying course. Training will be in accordance with CJSTC guidelines.
- G. 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.

## **122.30 II Complaints of Racial/Ethnic Profiling**

- A. Any person may file a complaint with the department utilizing PD-27C Citizen Complaint Form if they feel they have been stopped or searched based on racial, ethnic, or gender-based profiling. No person shall be discouraged, intimidated, or coerced from filing such a complaint, nor should any person be discriminated against because they have filed such a complaint.
- B. Any member contacted by a person who wishes to file such a complaint shall have the citizen either contact the on-duty supervisor or have the citizen contact the Office of Professional Standards. The member shall notify the on-duty supervisor of the complaint.
- C. Supervisors receiving such a complaint shall forward it to the Office of Professional Standards Section. (CFA 2.06M "F")
  1. All such complaints shall be reviewed and forwarded, via the chain of command, to the Chief of Police and the complaint acknowledged to the complainant in writing.
  2. The Chief of Police will review the complaint and determine if an Internal Affairs investigation is warranted. All subsequent reports, with disciplinary or policy recommendations attached, shall be forwarded to the Chief of Police for final review and action which could include disciplinary action up to, and including, dismissal. (CFA 2.06M "B")
  3. The complainant shall be informed of the results of the department's review within a reasonable period of time.
- D. The violation of this policy, or any deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes, is prohibited and cause for disciplinary action up to, and including, dismissal. (CFA 2.06M "B")

- E. On an annual basis, the department shall make public a statistical summary of all profiling complaints for the year. This summary should also include the findings as to whether they were sustained, unfounded, or exonerated.
- F. Supervisors shall review the following: profiling complaints, periodically review a sampling of in-car video tapes of stops, and review reports filed on stops by officers. They shall also respond, at random, to back up officers on vehicle stops. Supervisors shall take appropriate action whenever it appears this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads.
- G. In accordance with General Order 101 Section 70.C, the Office of Professional Standards shall conduct a review of agency practices to be included as part of the Annual Internal Affairs Report. This review will include any citizen's concerns with regards to bias-based profiling by the department. A written record of this review shall be kept on file at the department. (CFA 2.06M "E")
- H. Community Education/Awareness – The community will be made aware of this bias-based profiling policy by the placing of the policy on the Department web site, instruction in the Citizen Police Academy, and through the "How to Make a Complaint" brochure available in police department facilities. (CFA 2.06M "D")