

SUBJECT: BIASED POLICING			
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DISCUSSION:

The purpose of this Order is to establish that biased policing by PBSO employees is unacceptable, to provide guidelines for employees to prevent such occurrences, and to protect our employees when they act within the dictates of the law and policy from unwarranted accusations.

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is 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 our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The PBSO is charged with protecting these rights for all citizens of Palm Beach County, regardless of race, color, religion, sex, national origin, age, disability, familial status, marital status or sexual orientation.

Because of the nature of our business, employees 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 order is intended to assist the PBSO to accomplish this mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

This order shall apply to all employees.

POLICY:

It is the policy of this agency to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce 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. Law

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enforcement activities such as traffic contacts, field encounters, searches, asset seizure and forfeiture efforts that are the result of biased policing are not condoned and will not be tolerated by the Palm Beach County Sheriff's Office. Violation of this order will result in discipline, up to and including termination.

DEFINITION:

BIASED POLICING – Selection of an individual based solely on a common trait of a group. This includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age or cultural group.

GENDER IDENTITY – A person's innate, deeply felt psychological sense of gender, which may or may not correspond to the person's body or sex assigned at birth.

RACIAL PROFILING - The detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status or characteristics.

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 sworn employee combined with his training and experience, and/or reliable information received from credible outside sources.

PROCEDURE:

I. OPERATIONS

- A. The agency's efforts will be directed toward assigning deputies to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.
- B. Deputies will continue to receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, professional traffic stops, laws governing search and seizure, and interpersonal communications skills in accordance with CJSTC guidelines.
- C. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- D. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that deputies do not go beyond the parameters of reasonableness in conducting such activities.
- E. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction.

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- F. Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest.
- G. 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.
- H. In the absence of a specific, credible report containing a physical description, a person's race, color, religion, sex, national origin, age, disability, familial status, marital status, gender identity 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.
- I. The deliberate recording of any misleading information related to the actual or perceived race, color, religion, sex, national origin, age, disability, familial status, marital status or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including termination.

II. COMPLAINTS OF BIASED POLICING

- A. Any person may file a complaint with the agency if they feel they have been stopped or searched based on race, color, religion, sex, national origin, age, disability, familial status, marital status, gender identity or sexual orientation, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- B. The handling of citizens' complaints should be consistent with GO 222.03.
- C. On an annual basis, the agency shall conduct an administrative review of agency practices, including traffic enforcement practices, citizen complaints and documented concerns. A statistical summary of all biased policing complaints for the year, including the findings as to whether they were sustained, not sustained, or exonerated, will be published in an annual report.
- D. Supervisors shall review biased policing complaints, reports filed on stops by deputies, and respond at random to back up deputies on vehicle stops. Supervisors shall take appropriate action whenever it appears that this order is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual deputies or squads.

III. COMMUNITY EDUCATION AND AWARENESS

Formal programs such as the Citizens Police Academy and Citizen Observer Patrol shall incorporate a component to foster understanding of the Sheriff's Office biased policing

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policy and actions undertaken to prevent such inappropriate activity.