

**BIASED POLICING**

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**I. POLICY**

The Delray Beach Police Department does not endorse, support, or condone any type of biased policing in its interactions with the public. This General Order provides guidelines for members to prevent such occurrences, and to protect them when they act within the dictates of the law from unwarranted accusations. It is the policy of this Department to prohibit biased policing and ensure fair and impartial treatment of all persons. Members are prohibited from using biased policing in all interactions to include, but not limited to, traffic contacts and the handling of complaints from the public. Members will receive training in the fair and impartial treatment of the public and in the legal aspects of biased policing. Violations of this Order shall result in training, counseling, discipline up to and including termination, or other remedial intervention as appropriate to the violation.

**II. DEFINITIONS**

**Biased Policing** – The inappropriate consideration of specified characteristics while enforcing the law or providing police services. Specified characteristics includes, but is not limited to, race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, political status, or any other legally protected characteristics.

**Fair and Impartial Treatment** – Persons, irrespective of race or other distinctions, 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.

**Police Services** – Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but 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; preventative patrol; traffic control; public information; education; and similar activities.

**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 reasonable person to believe that an infraction of the law or criminal act 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 or her training and experience, and/or reliable information received from credible sources.

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

### III. THE ORDER

#### 1.0 General Information

1.1 This Order is not intended to inhibit members from continuing to police in a proactive manner, aggressively investigate suspicious persons and circumstances, and actively enforce the motor vehicle laws when there exists reasonable suspicion to believe a person has committed, is committing, or is about to commit, a violation of the law, city ordinances, or traffic regulations. This Order is intended to ensure that anyone having contact with any member shall be treated fairly, impartially, equitably, and objectively in accordance with law, and without consideration of their individual demographics.

- a. Members may only consider the specified characteristics when performing law enforcement duties 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, members may rely on these characteristics only in combination with other appropriate factors.
- b. Biased policing occurs if a member'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.
- c. Unless exigent circumstances exist, members shall not engage in a law enforcement matter when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the member's objectivity may be, or may appear to be, compromised. In situations where the member is personally involved, he or she will summon other members for assistance.

#### 1.2 Supervisor Responsibilities

- a. All levels of supervision shall take prudent steps to ensure members do not engage in biased policing practices.
- b. Supervisors are expressly prohibited from condoning or encouraging biased policing as well as ignoring patterns of biased policing on the part of any member of the Department.
- c. Supervisors will clearly communicate to members that biased policing will not be tolerated, and they are encouraged to continually review enforcement activities and reports with a focus to identify possible biased policing patterns.

### 1.3 Member Responsibilities

- a. Members who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, where appropriate, members have a duty to intervene at the time the biased policing incident occurs.

### 1.4 Training

- a. Members receive initial training, in accordance with CJSTC guidelines in the Basic Recruit Training Academy.
- b. Members will receive periodic training, in accordance with CJSTC guidelines, Florida Statute, and department policy. Where deemed necessary, remedial training will also be provided on subjects related to ethics, cultural diversity, police-citizen interaction, standards of conduct, implicit bias, legal aspects of biased policing, and related topics suitable for preventing incidents of biased policing.

## 2.0 Traffic Stops and Field Contacts

- 2.1 The Department's efforts will be directed toward assigning members to those areas where there is a high number of citizen complaints, a heightened likelihood that crashes will be reduced, or where crime information indicates police attention is required.
- 2.2 All interactive stops will be recorded on an officer's Body Worn Camera (BWC) and accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
- 2.3 Motorists, pedestrians, cyclists, and other field contacts shall only be subjected to stops, seizures, or detentions when reasonable suspicion exists that they have committed, are committing, or are about to commit an infraction or criminal act. Officers shall treat every person with courtesy and respect.
  - a. Whenever a member stops a motor vehicle, the following radio procedure shall be utilized:
    1. Dispatch will be advised that a vehicle stop is being conducted and the reason for it (i.e., ran red light, bad tag, no brake lights, driving reckless, etc.).
    2. The tag of the vehicle will be given.
    3. The location of the stop will be broadcast.
    4. A description of the vehicle and occupants, if known will be stated.
    5. Upon conclusion of the traffic stop, the member will verbalize to the dispatcher what action was taken (i.e., verbal warning, written warning, citation, or arrest).
- 2.4 Members are to use the following steps as guidance when conducting a traffic stop.

- a. Greet the motorist or pedestrian in a courteous manner.
  - b. The member shall identify himself/herself.
    1. Members shall provide their name, identification number, and supervisor's name whenever the person being stopped requests the information.
  - c. Politely ask for identification and any required documents.
  - d. State the reason why the person is being stopped or detained.
    1. If the member chooses not to ask, but the motorist wishes to give a reason or excuse, the officer shall listen politely and give them ample opportunity to tell their story.
  - e. After completing any necessary paperwork, inform the driver or pedestrian as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, obtain a traffic court hearing, etc.
  - f. Give an appropriate closing, such as, "Thank you for your cooperation."
  - g. Make sure the driver is able to merge safely back into the traffic stream.
- 2.5 Appropriate enforcement action will always be documented in the form of a verbal warning (with comments noted in CAD), a written warning, a citation, or arrest that will record the reason for the stop.
- a. All enforcement actions, to include verbal warnings, will be tracked by the Community Patrol Division Administrative Assistant and reviewed on a quarterly basis by the Internal Affairs Commander to ensure officers are complying with this order.
- 2.6 No motorist or person, 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.
- 2.7 Body worn cameras shall be activated as well as the member's in-car video camera. The video shall also be activated before the stop is made to record the actions of the vehicle or person. The cameras shall remain activated until the person is released.
- 3.0 Community Education, Awareness, and Complaint Process
- 3.1 The Department provides public information regarding biased policing to the citizens of Delray Beach through its website under "[Frequently Asked Questions: What is Biased Policing](#)", ongoing Citizen Police Academies, business, and community meetings.

- 3.2 Whenever a person complains that a member is engaged in practices prohibited by this Order, the citizen will be referred to a supervisor who will ensure the complaint is documented in conformance with the Department's citizen complaint process as outlined in [G.O. 335 Complaint Process](#).
- a. The complaint will be investigated, and an outcome will be documented, as a result.
  - b. Should a complaint be sustained, the employee will be disciplined in accordance with [G.O. 411 Disciplinary Process](#).
  - c. The complainant and employee will be advised of the outcome.
  - d. If biased policing is discovered through means other than a citizen complaint then the supervisor will ensure that the complaint is documented in conformance with the Department's complaint process as outlined in [G.O. 335 Complaint Process](#).

#### 4.0 Annual Administrative Review

- 4.1 All reviews will not only highlight statistical data, but also include findings/outcomes documenting whether or not department policy and practices were followed and indicate if policy, training, equipment, or disciplinary issues should be addressed.
- 4.2 All biased policing reviews will be completed and forwarded to the Internal Affairs Commander for compilation and publication in the Department's Annual Internal Affairs Report. The Annual Internal Affairs Report will then be forwarded, in its entirety, to Command Staff and the Accreditation Manager.
- a. The Internal Affairs Commander, or designee, shall compile, track, and review biased policing complaints. The review of complaints will include the findings of sustained, not sustained, unfounded, or exonerated. If there were no complaints for that year, this will be noted, accordingly, in the annual report.
  - b. The Community Patrol Division Commander, or designee, shall compile, track, and review all traffic stops, citizen contacts, and any other field contacts. The review will include FIR and UTC data by race, gender, and numbers of documented contacts.



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JAVARO A. SIMS  
CHIEF OF POLICE

**Replaces:** G.O. 215 dated 04/28/2022

**References:** [FSS 166.0493](#) [FSS 943.1716](#) [FSS 901.151](#)  
[G.O. 411 Disciplinary Process](#) [G.O. 335 Complaints](#)  
[Delray Beach Police Department "Frequently Asked Questions: What is Biased Policing"](#)