


<b>BIAS BASED PROFILING</b>		
	<b>DEPARTMENT SOP: 121</b>	<b>CALEA: 1.2.9A-D</b>
	<b>EFFECTIVE DATE: 1/15/2003</b>	<b>CFA: 2.08A-H</b>
	<b>REVIEW: 11/24/2014</b>	

**PURPOSE:** The purpose of this policy is to affirm the Hollywood Police Department's commitment to unbiased policing and to reinforce procedures that serve to maintain public confidence by providing service and enforcing laws in a fair and equitable manner.

**SCOPE:** This SOP applies to all Members of the Department.

**POLICY:** It is the policy of the Hollywood Police Department to prohibit bias based profiling in all Police-initiated actions. These include all arrests, traffic contacts, field contacts, searches and seizures, and any asset seizures and forfeiture efforts. Officers' actions will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions, which support reasonable suspicion for an investigative detention or traffic stop, or probable cause for arrest. Officers shall not consider race, ethnicity, national origin, religion, age, gender identity or sexual orientation in establishing either reasonable suspicion, probable cause, or as a basis for requesting consent to search. [2.08A][1.2.9A]

Criminal profiling is a legitimate tool in the fight against crime. It is an investigative method in which an Officer, through observation of activities and environment, identifies suspicious behavior by individuals and develops a legal basis, consistent with the Fourth Amendment, to detain and question.

However, illegal profiling refers to a decision by an Officer to stop, detain, interdict, or search an individual based on the race, color, gender, ethnicity, religion, age, sexual orientation, or na-

tional origin. The Department prohibits illegal profiling as a law enforcement tactic and will not tolerate or condone its use by any Member.

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**PROCEDURE:**

**I. EDUCATION PROGRAMS**

**A. Training Department Members:**

Training programs will be designed to emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action. The annual training programs will incorporate Bias Based Profiling issues including legal aspects in accordance with CJSTC guidelines. The initial training will include all Officers. All

newly hired Officers will be provided training during orientation. [2.08B, 1.2.9B]

**B. Community Education: [2.08F]**

The Department will inform the public of its Policy statement from this SOP against Bias Based Policing. This Policy statement will be posted on the Department web site, and in an area having public access located at The Hollywood Neighborhood Network Center and at each Police Substation. A copy of this policy will be made readily available to any person requesting it at no cost to the requesting party.

**II. DETENTION OF PERSON(S)**

**A. Reasonable Suspicion:**

Persons will only be subject to detention upon reasonable suspicion that they have committed, are committing, or are about to commit a violation of law. Detention may be based on an Officer's observations combined with his/her training and experience, and/or information from reliable sources.

No motorist or pedestrian, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity or other legal or factual basis for detention. No person or vehicle will be searched in the absence of a search or arrest warrant, a legally recognized exception to the warrant requirement, or a person's voluntary consent.

**B. Recording Information: [2.08E]**

1. Traffic and pedestrian stop procedures will be followed as outlined in **SOP# 220 RADIO COMMUNICATIONS**, Section II, Circumstances Requiring Radio Communications, letter G, Traffic Stops.
2. Any violations of FSS 316.614, Florida's Safety Belt Usage Law, requires Law Enforcement Officers to document the race and ethnicity of the violator directly on the citation.

a. The race of the violator is based on observed physical characteristics. An estimate should be based on apparent ancestry and limited to White, Black, American Indian, Alaskan, Asian, or Unknown.

b. The ethnicity of the violator is an estimate, based on physical characteristics, language, and/or name, of a person's cultural affiliation with countries in Central or South America, or the Caribbean Islands. An estimate should be limited to Hispanic or Latino or Not Hispanic or Not Latino.

3. Officers will use their best judgment to determine race and ethnicity. If an Officer is unsure of the race, color, ethnicity, or gender of a person stopped, the Officer will not risk offending that individual by asking the person to identify that characteristic except in an instance in which that characteristic is necessary to the investigation.

4. The Police Department will document and compile race and ethnicity statistics for all citations issued for Safety Belt violations. The required data will be recorded on a Safety Belt Violation Data Collection Form (see **Appendix A**) and submitted on a quarterly basis to the Department of Highway Safety and Motor Vehicles.

**III. COMPLAINT PROCEDURE [2.08 H]**

A complaint may be filed with the Department if the affected party believes they may have been detained or searched based on race, ethnicity, national origin, religion, age, gender identity or sexual orientation. No person will be discouraged or in any way prevented from filing such a complaint, or retaliated against because they have filed a complaint.

**A. Officer Receiving a Complaint:**

If a citizen believes they were stopped or searched based on Biased Profiling and contacts a Department Member requesting to make a complaint, the Member will immediately contact any On-Duty Supervisor.

**B. Supervisor Receiving Complaint: [2.08C]**

Any Supervisor receiving such a complaint will complete a **Complaint Intake Report** and forward the complaint to the Internal Affairs Unit as outlined in "**SOP 104.1 Complaint Intake**, Section III Supervisor Duties, Paragraph D".

If a Bias Based Profiling complaint is sustained against a Member, it will result in corrective measures and/or disciplinary action as outlined in **SOP 104.1, Complaint Intake and SOP 105 Discipline Policy**. [2.08C][1.2.9C]

**C. Internal Affairs Responsibilities:**

The Internal Affairs Unit will be responsible for reviewing the following and being particularly alert to any pattern of potentially discriminatory treatment by an individual Officer or Squad.

1. All profiling complaints.
2. In-vehicle video tapes of traffic stops, if applicable.
3. Reports filed by Officers relating to detentions.

**D. Corrective Action: [2.08C,1.2.9C]**

Whenever it appears that an unlawful practice is occurring either through review or sustained complaints, the results will be sent to the Chief of Police for appropriate corrective/disciplinary action.

**E. Administrative Review: [2.08G, 1.2.9D]**

By October 15<sup>th</sup> of each year the Internal Affairs Unit will conduct an annual administrative review of Agency practices

concerning Bias Based Policing, to include arrests, traffic contacts, field contacts, searches and seizures, and any asset seizure and forfeiture efforts. A report of the findings will be sent to the Chief of Police for review and a copy forwarded to the Accreditation Unit.

**IV. DEFINITIONS:**

**A. REASONABLE SUSPICION: [2.08D]**

Articulable facts, when considered in aggregate fashion, would cause a reasonable person to believe that a violation of law has been committed or is about to be committed by the person(s) under suspicion.

**B. BIAS BASED PROFILING: [2.08D]**

The selection of an individual(s) 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.

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APPROVED BY:

  
Frank G. Fernandez      11/24/2014  
Chief of Police                      Date

**ATTACHMENTS:**

- Appendix A: Data Collection Form

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
SAFETY BELT VIOLATION DATA COLLECTION (316.614)**

Reporting Period: \_\_\_\_\_

County/City/Agency Code : \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Agency Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

County: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Person Completing Report: \_\_\_\_\_

(Please Print)

Phone Number (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ ext: (\_\_\_\_\_) \_\_\_\_\_

**Citations Issued For Violation of Section 316.14**

<b>Race Breakdown</b>	<b>Number of Non Hispanic or Latino</b>	<b>Number of Hispanic or Latino</b>	<b>Total Number of Citations</b>
White			
Black			
American Indian or Alaskan			
Asian			
Unknown			
<b>Total</b>			

Signature of Person submitting report: \_\_\_\_\_

Date: \_\_\_\_\_