

WEST PALM BEACH POLICE DEPARTMENT

I-4 RACIAL AND ETHNIC PROFILING/ BIASED BASED POLICING

EFFECTIVE: 01/01/2005

CALEA Standards: 1.2.9

CFA Standards: 2.08

I. POLICY: The West Palm Beach Police Department has established guidelines for its members 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, a violation of the law.

II. DEFINITIONS:

A. Bias Based/Racial Profiling - is any police-initiated action that relies on the race, ethnicity, characteristics, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.

B. Reasonable suspicion - Also referred to 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 that officers training and experience, and/or reliable information received from credible outside sources.

III. TRAINING:

A. All sworn officers shall receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural and human diversity, the laws governing search and seizure, and interpersonal communications skills.

B. Training programs will emphasize legal aspects of bias based profiling, in accordance with CJST guidelines, and stress the need for each officer to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

IV. ENFORCEMENT:

A. The West Palm Beach Police Department will direct its efforts toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and crimes prevented through a proactive police patrol or presence.

B. 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. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the stop and the description of the person or vehicle being detained. At no time will a West Palm Beach Police Officer use bias based profiling in initiating traffic stops, field contacts or determining asset seizure or forfeiture efforts.

C. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.

D. Appropriate enforcement action shall 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, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.

1. Officers are not to use only a person's race, ethnicity, or national origin, in determining whether a specific individual is a member of a criminal organization.

2. Officers who have knowledge a particular individual is a member of a criminal organization may legitimately use that information as a factor in the totality of the circumstances that may indicate ongoing criminal activity.
3. Officers may use race or ethnicity to determine whether a person matches a specific description of a particular suspect.

IV. COMPLAINTS OF BIAS BASED PROFILING:

A. The perception that some police officers are engaging in racial profiling creates resentment and distrust of the police, making some members of the community less willing to trust and confide in police officers, report crimes, participate in problem-solving activities, be witnesses at trials, or serve on juries.

B. The department encourages any person who feels they have been stopped or searched based on racial, ethnic, or gender based profiling by a member of this agency to file a complaint with the West Palm Beach Police Department.

1. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

C. Officers contacted by a person who wishes to file such a complaint, shall assist the citizen in directing that person to the offending members supervisor or an on-duty shift commander.

1. If requested, officers will provide the complainant with the proper mailing address of the department so that the complaint can be mailed.

V. ANNUAL REVIEW OF BIAS BASED PROFILING COMPLAINTS.

A. The IAU Commander will incorporate all complaints of Bias Based Profiling, to include citizen concerns, in the biannual Internal Affairs Report.

1. The Accreditation Manager will review this policy annually to incorporate changes, if needed.

VI. DISCIPLINE, COUNSELING, AND RETRAINING:

A. Subject to the City of West Palm Beach Personnel Manual, any applicable collective bargaining agreements, the City of West Palm Beach Civil Service Rules and Regulations, and, when necessary, the approval of the Chief of Police, discipline and/or retraining actions may be given/imposed against a member of the Department for violation of this policy to include termination of employment.

VII. COMMUNITY EDUCATION AND AWARENESS:

A. To continue our efforts to ensure the public of our commitment against bias based profiling the Department will make this policy available to the community;

1. The policy will be published to the Department's existing web page.
2. The policy will be discussed during Citizen Police Academies, Crime Prevention Block Captains meetings, and other events which include citizen contact where appropriate.

VII. REFERENCE:

- SOP # I-1 Code of Conduct and Ethics of Police Department Members.
- SOP # III-1 Arrest Procedures.
- SOP # III-4 Law Enforcement Response.
- SOP # III-24 Stopping and approaching vehicles.
- SOP # IV-22 Internal Affairs Function.
- A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned, U.S. Department of Justice, November 2000.

Delsa R. Bush, Chief of Police

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Job Title Task Files: Supervisor