Prohibition Against Bias-Based Profiling

2.1 PURPOSE. The purpose of this policy is to unequivocally state that bias-based profiling in law enforcement is totally unacceptable, to provide guidelines for officers to avoid such occurrences, and to protect officers from unfounded allegations when they act within the scope of their authority, Departmental policies and procedures, federal law, state law, and articulated facts.

This policy also assists officers in strengthening their understanding and application of probable cause and reasonable suspicion criteria when conducting stops and searches.

2.2 DISCUSSION. In order for this Department to accomplish its mission of reducing incidents of crime and the fear of crime by members of the University community, it is absolutely imperative that sworn officers perform their duties in a fair and impartial manner, without regard to any person’s race, ethnicity, gender or sexual orientation, and/or country of national origin.

Bias-based profiling would inhibit this Department from accomplishing its mission. Such profiling further reflects negatively upon the Department and significantly dilutes the confidence placed in this Department by members of the University community, Tallahassee-Leon County community, and fellow criminal justice system agencies.

The FAMU Department of Public Safety is firmly committed to the Constitutional principles of Equal Protection under the Law and Freedom from Unreasonable Searches and Seizures. Because of the nature of their business, law enforcement officers 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 community free from crime, our streets and buildings safe, and contributes to the detection and apprehension of criminals. This policy and procedure is intended to assist law enforcement in accomplishing this total mission in a way that respects the dignity of all persons,
and yet sends a strong deterrent message to actual and potential law-breakers that if they break the law, they are likely to encounter the police.

2.3 **POLICY.** Bias-based profiling or racial profiling in traffic contacts, field contacts, searches and seizures, arrests, and in asset seizure and forfeiture efforts is strictly prohibited. *(2.08M A)* Sworn officers shall enforce state and federal laws and applicable University policies and procedures in a responsible and professional manner, without regard to race, ethnicity, national origin, sexual orientation, gender, income status, religion, or cultural group.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based upon trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident. Race and/or ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

2.4 **PROCEDURES.**

2.4.1 **Pedestrian and Vehicle stops.** In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting pedestrian and vehicle stops: *(2.08M E)*

2.4.1.1 Be respectful, courteous and professional.

2.4.1.2 Introduce himself or herself to the citizen (providing last name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety.

2.4.1.3 Ensure that detention is no longer than necessary in order to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.

2.4.1.4 Answer any questions the citizen may have, including explaining the options for traffic citation disposition, if relevant.

2.4.1.5 Provide his or her name and badge number when requested, in writing or on a business card.

2.4.1.6 Explain if the officer determines that the reasonable suspicion was unfounded, e.g., after an investigatory stop.
2.4.1.7 Sworn officers may not use racial, ethnic, gender, or sexual stereotypes in selecting whom to stop, interview, and/or search.

2.4.1.7.1 The racial, ethnic, gender or sexual orientation of the driver or pedestrian may only be legitimately taken into account by the officer when such orientation is integral to the actual description of a specific suspect(s) for whom the officer is searching.

2.4.1.8 Sworn officers may not consider racial, ethnic, gender, or sexual orientations when selecting whom to arrest and who should undergo a lawful search and seizure. (2.08M A)

2.4.1.8.1 The racial, ethnic, gender or sexual orientation of the suspect undergoing arrest, search, or seizure may only be legitimately taken into account by the officer when such orientation is integral to identifying the person to be arrested or undergo a search or seizure.

2.4.1.9 Preliminary and follow-up investigations conducted by officers of this Department must be in accordance with normal investigative procedures. Sworn officers and investigators may not use racial, ethnic, gender, or sexual orientations when deciding whom to investigate, interrogate, or interview.

2.4.1.9.1 Racial, ethnic, gender, or sexual orientation of the suspect or of a witness undergoing interrogation or interview may only be legitimately taken into account by the officer when such orientation is integral to the investigation, interrogation, or interview.

2.4.2 Training.

2.4.2.1 All sworn officers are required to attend and follow Criminal Justice Standards and Training Commission (CJSTC) training prohibiting bias-based profiling (2.08M B), as mandated by Section 943.1758, Florida Statutes.

2.4.2.2 All sworn officers of the Department are required to complete a training block entitled, “Discriminatory Profiling and Professional Traffic Stops,” every four (4) years.
2.4.2.3 The Training Coordinator shall be responsible for periodically reviewing all sworn officers’ training files to ensure registration, successful completion, and documentation of the “Discriminatory Profiling and Professional Traffic Stops” training.

2.4.3 Complaints of Bias-Based Profiling (2.08M H)

2.4.3.1 Citizen Complaints that specifically allege bias-based profiling on the part of the officer(s) conducting the traffic stop, field contact stops, arrest/search/seizure, preliminary investigation, and/or follow-up investigation will follow normal procedures.

2.4.3.2 All complaint procedures and dispositions shall be conducted in accordance with the provisions of G.O. 1-5, “Internal Affairs,” with the exception of the timeframe of 180 days as provided in FSS 112.532 (6) A. The investigation will be completed within forty-five days, unless the Chief or his/her designee grants an extension.

2.4.3.3 Any person may file a complaint with the FAMU Department of Campus Safety & Security, (DCSS) if they feel they have been stopped or searched on bias-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

2.4.3.4 Any officer contacted by a person who wishes to file such a complaint, shall contact a supervisor who will advise the individual of the process to file a complaint and/or provide the citizen with a copy of a citizen complaint form which may be mailed or delivered in person to the police department, Attention Chief of Police.

2.4.3.5 All such reports shall be forwarded to the Chief or his/her designee for review and assignment for investigation.

2.4.3.6 Any member found to have violated this policy will be subject to corrective actions as determined by the Chief or his/her designee. (2.08M C)

2.4.3.7 The complaint will be acknowledged to the complainant in writing, and the complainant shall be informed of the results of the FAMU DCSS investigation upon its completion.
2.4.3.8 Supervisors shall at random back up officers on vehicle stops, and shall take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads. *(2.08M C)*

2.4.3.9 The Department of Campus Safety and Security shall conduct bias-based community awareness and education discussions with the campus population on an as needed basis. They shall also distribute bias-based education handouts in conjunction with the discussions or as requested. *(2.08M F)*

2.4.3.10 The Chief shall designate a ranking member to conduct an annual administrative review of the agency’s bias-based practices including any citizen complaints and documented concerns. *(2.08M G)* The results of this review shall be forwarded to the Chief for review.

2.4.4 Glossary. *(2.08M D)*

2.4.4.1 **Biased-Based Profiling.** The selection, detention, interdiction, or other disparate treatment of any individual on the basis of their race, color, ethnicity, gender, sexual orientation, physical handicap, economic status, age, cultural group, religion or other belief system, or any other identifiable group.

2.4.4.2 **Reasonable Suspicion.** Also known as articulated suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulated facts and circumstances that would warrant a person of reasonable caution 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 or her training and experience, and/or reliable information received from credible outside sources.

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