

# Cocoa Beach Police Department

## Standard Operating Procedure



<b>Effective Date:</b> October 12, 2020	<b>Replaces:</b> <b>Amends:</b> January 21, 2020	<b>Number:</b> 101.10
<b>Subject:</b> Biased Policing		<b>Re-evaluation Date:</b>
<b>Distribution:</b> ALL PERSONNEL	<b>Related Standards:</b> 2.06M	

This order consists of the following numbered sections:

1. Purposes
2. Scope
3. Policy
4. Definitions
5. Training and Community Education
6. Procedures
7. Preventing Misperceptions of Biased Policing
8. Complaint Procedures
9. Reporting Requirements
10. References

### 1. **PURPOSE**

To affirm the Department's commitment to unbiased policing and to reinforce procedures that serve to assure the public that the officers of the Cocoa Beach Police Department are providing service and enforcing laws in a fair and equitable manner.

### 2. **SCOPE**

This policy applies to all employees of the Cocoa Beach Police Department.

### 3. **POLICY**

The use of biased policing enforcement activities is prohibited. (CFA 2.06M) Enforcement activities, including but not limited to investigative detentions, traffic stops, arrests, searches and seizures of property, and forfeiture efforts, must 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 probable cause or reasonable suspicion.

### 4. **DEFINITIONS (CFA 2.06MC)**

- A. 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
- B. BOLO – An acronym that stands for “Be On the Look Out” and is used to disseminate the description of a person or object being sought.
- C. Law enforcement action – Any enforcement action taken by a police officer to include a stop, traffic stop, stop and frisk, search or seizure, detention, issuance of citation or an arrest.
- D. Reasonable suspicion – Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set or 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 an

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

**5. TRAINING & COMMUNITY EDUCATION**

- A. The Training Coordinator shall ensure that all employees with enforcement authorization receive on-going training in subjects related to preventing biased policing.
- B. Training may be offered as part of orientation, in-service training, line-up training, specialized training, or some combination thereof.
- C. A block of instruction will be provided to every officer, during their 40 hours of mandatory retraining, on Discriminatory Profiling and Professional Traffic Stops, and legal aspects in accordance with Florida Statutes. (CFA 2.06MA)
- D. The Department will conduct ongoing community education and awareness programs concerning law enforcement and traffic stop procedures through various mediums, which may include, but are not limited to, the Department website, Citizen's Academy, Crime Prevention programs, and various community events. . (CFA 2.06MD)

**6. PROCEDURES**

- A. Officers shall not take enforcement action based on biased policing. Enforcement activities shall be based on a person's conduct or other suspect information, and officers must have reasonable suspicion or probable cause supported by articulable facts that the subject of the enforcement action has committed, is committing, or is about to commit a crime or is presenting a threat to themselves or others.
- B. Officers may take into account the reported race, ethnicity or other traits based on credible, reliable information that links a person or persons with that trait to a particular crime or series of crimes such as in a BOLO.
- C. Except as previously discussed, officers shall not consider traits such as race, color, age, ethnicity, sex, sexual orientation, physical handicap, religion, socioeconomic status or other belief system in establishing either reasonable suspicion or probable cause.
- D. Except as previously discussed, no person shall be singled out or otherwise treated differently on account of his/her race, color, age, ethnicity, sex, sexual orientation, physical handicap, religion, socioeconomic status or other belief system.

**7. PREVENTING MISPERCEPTIONS OF BIASED POLICING**

In an effort to prevent inappropriate perceptions of biased policing, officers should utilize the following strategies when conducting pedestrian and vehicle stops:

- A. Be courteous, polite and professional
- B. Introduce him/herself (providing name and agency affiliation) and explain the reason for the stop as soon as practical, unless doing so will compromise the safety of the officer or other persons. Provide this information prior to asking for identification, driver's license, registration, etc.
- C. Ensure that the length of detention is no longer than necessary to take appropriate action for the known or suspected offense.
- D. Answer any questions the citizen may have, (including, if applicable, explaining options for the disposition of any issued traffic citation).
- E. Provide their name and ID number when requested, preferably in writing or on a business card.
- F. In the event the reasonable suspicions were unfounded (e.g. after a BOLO stop), the officer should explain to the subject the circumstances surrounding the stop and detainment.

**8. COMPLAINT PROCEDURE (CFA 2.06MF)**

- A. Any person may file a complaint with the Department if they feel they have been stopped or searched as a result of biased policing and shall not be discouraged, intimidated, and/or coerced from filing such a complaint.
- B. All reports or complaints of biased policing, no matter how it was received (verbal or written), will be promptly communicated in writing via memorandum or email to the Deputy Chief and subsequently handled in accordance with Standard Operating Procedure 050.30: *Code of Conduct* and 005.10 *Internal Investigations*. The Deputy Chief shall keep the Chief of Police informed of said reports or complaints.
- C. Any officer contacted by a person who wishes to file such a complaint shall follow Departmental procedures for filing a complaint.

**9. REPORTING REQUIREMENTS AND ANALYSIS**

- A. The Records and Evidence Supervisor shall ensure the information from traffic citations, written warnings and field interviews are entered into the Department's computer records to include the race and gender of subjects encountered.
- B. The Deputy Chief or designee shall request, from the appropriate division, a compiled report summarizing the above referenced data by race/gender.
- C. The Deputy Chief or designee shall conduct a calendar year administrative review of those reports by comparing the data to the countywide population figures in order to determine if any significant disparity exists. Significant disparities will be further analyzed to determine what factors may have created the disparities and to which officers they are attributed to.
- D. The Deputy Chief or designee shall conduct a documented administrative review of complaints and IA investigations. This review shall include determining if there is any indication of enforcement activity motivated by biased policing.
- E. The Deputy Chief or designee shall prepare a documented annual administrative review of traffic-stop procedures related to fair and impartial policing to the Chief of Police. (CFA 2.06ME)
- F. In order to detect any pattern or practice of possible discriminatory treatment by individual officers, On-Duty Shift Supervisors are encouraged to:
  - 1. Randomly sample officer's dash mounted video camera footage
  - 2. Review reports filed on officers' self-initiated stops
  - 3. Respond at random to officers' vehicle stops
- G. On-Duty Shift Supervisors shall take appropriate corrective action whenever it appears that this policy is being violated. Any evidence of biased policing shall be reported in writing to the Deputy Chief and subsequently handled in accordance with Standard Operating Procedure 050.30: *Code of Conduct* and 005.10 *Internal Investigations*. (CFA 2.06MB)

10. **REFERENCES**

- FDLE (2016) Discriminatory Profiling and Professional Traffic Stops. On-line training curriculum. Retrieved March 28, 2016 from: <http://www.fdle.state.fl.us/cms/FCJEI/Online-Training/Discriminatory-Profiling-Professional-Traffic-Stop.aspx>
- The Florida Senate (2019). Florida Statute 166.0493- Powers, duties, and obligations of municipal law enforcement agencies. Retrieved January 7, 2020 from: <https://www.flsenate.gov/Laws/Statutes/2019/166.0493>
- The Florida Senate (2019). Florida Statute 943.1716 – Continued employment training relating to diverse populations. Retrieved January 7, 2020 from: <https://www.flsenate.gov/Laws/Statutes/2019/943.1716>
- The Florida Senate (2019). Florida Statute 943.1758 – Curriculum revision for diverse populations; skills training. Retrieved January 7, 2020 from: <https://www.flsenate.gov/Laws/Statutes/2019/943.1758>



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**Date:** 09/28/20