
 Proudly Policing Since 1926	SUBJECT BIASED BASED POLICING		
	CHIEF OF POLICE HARVETTE S. SMITH		
NUMBER 1-02	EFFECTIVE DATE 01/01/2001	REVISED DATE 1/24/2022	CFA STANDARD

1.1 **POLICY:** It is the policy of the North Miami Beach Police Department (NMBPD) to enforce the law in a unbiased, fair and impartial manner, recognizing both the statutory and judicial limitations of police authority while protecting the rights of all persons, and without consideration of their individual demographics as defined in this policy. In accordance with Florida State Statue 166.0493 enforcement action, including but not limited to vehicle stops, stop and frisk of individuals, arrests, searches and seizures, the application of force and initiation of forfeiture proceedings must be based solely on law, departmental policy and articulable facts.

1.2 **OBJECTIVE:** The NMBPD does not condone the use of any bias policing in its enforcement programs. Bias based policing may lead to allegations of constitutional and or civil rights violations and can undermine legitimate law enforcement efforts. Additionally, bias policing alienates citizens, fosters distrust of law enforcement and creates an environment that is not conducive to good community police relations. The NMBPD is charged with protecting these rights for all, regardless of race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

1.3 **PURPOSE:** Biased policing undermines legitimate law enforcement efforts, alienates community members and fosters community distrust. The NMBPD’s policy against bias policing is to:

- protect the constitutional rights of all people, regardless of race, color, ethnicity, gender, sexual orientation, religion or other belief system, physical handicap or characteristic
- treat each person with respect and dignity; and
- emphasize this agency’s commitment to unbiased, equitable treatment of all persons.

The NMBPD will not accept or tolerate bias-based policing.

1.4 **DEFINITIONS:**

Biased Policing- The inappropriate consideration of specified characteristics while enforcing the law or providing police services. Specified characteristics incudes, 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 - Person’s, irrespective of race or other distinctions, are treated in the same basic manner under the same 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.

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

Criminal Profiling – When investigating a crime, every legitimate tool at our disposal is used to narrow the list of potential suspects so we can identify, find and arrest those responsible for the crimes, to bring them to justice and to keep them from committing more acts against society.

Reasonable Suspicion - Pursuant to the Florida Law Enforcement Handbook Legal Guidelines, reasonable suspicion is a situation in which an officer reasonably suspects a person is committing, has committed, or is about to commit a crime. The officer has more than a baseless hunch and includes the facts of the situation known to the officer at the time of contact.

1.5 **PROCEDURES:** Agency personnel are required to use skills developed through observation, training and experience in order to identify suspicious circumstances, unusual occurrences and violations of law (municipal ordinance, criminal and traffic), and to act according to the situation. Sworn officers must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has committed, is about to commit or is in the process of committing a crime. This proactive approach aids in the detection and apprehension of criminals, maintains the safety of our streets and highways, and protects our citizens and community from crime.

1.5.1 **Fair and Impartial Treatment:** Agency personnel 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, personnel may rely on these characteristics only in combination with other appropriate factors.

It is biased policing if an officer's decisions/actions are based on the fact that the individual's demographics (e.g., race, religion, income) are different from the demographics of the majority of the residents in the area in which the individual is found.

Unless exigent circumstances exist, officers 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 officer's objectivity may be, or may appear to be, compromised. In situations where the officer is personally involved, he or she will summon other officers for assistance.

1.5.2 **Investigative Tools:** During the investigation of a crime, every legitimate tool and technique is utilized to narrow the potential field of suspects in order to identify, locate, and arrest those responsible to achieve an efficient and expedient resolution to the case.

Based on knowledge and experience, all evidence of criminal activity is scrutinized, in order to identify a potential type of person or persons by characteristics which most likely indicate possible

criminal involvement. This process is known as criminal profiling and is just one of many accepted and necessary law enforcement investigative tools and practices. However, it differs from and should not be confused with bias policing.

- 1.5.3 **Compliance:** Officers who witness or who are aware of instances of biased based policing shall report the incident to a supervisor. Also, where appropriate, officers are encouraged to intervene at the time the biased policing incident occurs.

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and will be alert and respond to indications that biased based policing is occurring.

- 1.5.4 In an effort to prevent inappropriate perceptions of bias-based policing, officers shall conduct pedestrian and vehicle stops in an unbiased manner.

1.5.4.1 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 a violation of law. Each time a motorist is stopped, the officer shall radio to the dispatcher the location of the stop, the description of the person or vehicle being detained, and the specific reason for the stop (e.g. red light, speeding, prowling. General terms such as traffic or suspicious person are not sufficient.)

1.5.4.2 The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.

1.5.4.3 Periodically, the Department may provide public information pamphlets to officers regarding the purpose of proactive enforcement. Officers are encouraged to distribute the pamphlets to each person subjected to such activities, whenever appropriate.

1.5.4.4 The Traffic Administration SOP provides specific procedures to be followed when conducting traffic stops.

- 1.6 **TRAINING:** All enforcement personnel will be trained in biased based and fair and impartial policing including the legal aspects. Training will be provided initially upon hire and in accordance with Criminal Justice Training and Standards Commission guidelines thereafter. Training will include but not be limited to, unbiased profiling in field contacts, traffic stops, search and seizure and forfeiture, interview techniques, cultural diversity, standards of conduct, implicit bias, discrimination, and community support.

- 1.7 **COMMUNITY EDUCATION AND AWARENESS:** The community will be made aware of this policy by the placing of the policy on the NMBPD's webpage and through the Employee Complaint/Commendation brochure that is available in the lobby of the police building.

- 1.8 **COMPLAINTS:** Any person may file a complaint with the NMBPD if they feel they have been stopped or searched based on racial, ethnic, or gender-based profiling and no person will be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.

1-02 – Biased Based Policing

Effective Date: 01/01/01

Revised Date: 01/24/2022

Page 3 of 4

All complaints are forwarded to the Ethics and Integrity Unit for documentation and investigative purposes. Depending on the seriousness of the allegations, incidents may be investigated at the level of the first line supervisor as outlined in Procedural Directive #6-83- Ethics and Integrity Unit.

Dependent of the findings of each complaint, as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures include, but are not limited to policy review, remedial training, counseling, and discipline up to and including termination.

- 1.9 **ANNUAL ADMINISTRATIVE REVIEW:** The Internal Affairs Unit will be responsible for an annual review of Department practices concerning biased based policing. The review will consist of a summary of all agency bias based profiling complaints for the year including whether they were sustained, not sustained, or exonerated. This administrative review will include an assessment of agency policies and practices for biased based policing in traffic stops.



Harvette S. Smith
Chief of Police