



RIVIERA BEACH POLICE DEPARTMENT



POLICY # 3.89 BIASED POLICING

DATE EFFECTIVE: February 09, 2024

DATE REVISED: July 15, 2024

CFA Standards: 2.06M

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PURPOSE:

The purpose of this procedure is to ensure that all members of the Riviera Beach Police Department (RBPd) conduct law enforcement activities in a manner that is fair, impartial, and free from bias.

POLICY:

It is the policy of the RBPd to patrol proactively, aggressively investigate suspicious persons and circumstances, and actively enforce motor vehicle laws, while insisting persons only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to violate the law. Any instance of biased policing will not be tolerated. This policy does not preclude contact with any person to obtain general information consistent with the loitering and prowling statute.

DEFINITIONS:

1. **Biased Policing** – The inappropriate consideration of specified characteristics while enforcing the law or providing police services. Specified characteristics include, but are 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. (2.06C)
2. **Fair and Impartial Treatment** – Persons, irrespective of race or other distinctions, are treated in the same basic manner under the same or 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.
3. **Reasonable Suspicion** – Also known 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 reasonable person to believe that an infraction of the law or criminal act 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 sources.
4. **Specified Characteristics** – Race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, or political status.

PROCEDURES:

I. GENERAL INFORMATION:

- A. Biased policing occurs if a member's decisions or actions are based on the fact that the individual's demographics, e.g., race, income are different from the demographics of the majority (of the residents) in the area where the individual is found.
- B. Members 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, members may rely on these characteristics only in combination with other appropriate factors.
- C. Any contact, stop, detention, or search based solely on biased policing will be prohibited.

- D. In the absence of a specific report, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group of persons will not be a factor in determining the existence of probable cause to place them in custody or arrest them, in constituting a reasonable suspicion that an offense was or is being committed to justify their detention or the investigatory stop of a motor vehicle.
- E. In response to a specific credible report of criminal activity or traffic-related complaints, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group of persons will not be the sole factor in determining the existence of probable cause to place them in custody or arrest them.
- F. The RBPB's efforts will be directed toward assigning officers or operations to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.
- G. Motorists and pedestrians will only be subjected to stops, seizures, or detention upon reasonable suspicion they have committed or are committing an infraction.
- H. Traffic/Investigative Stop:
 - 1. All traffic/investigative stops must be conducted with courtesy.
 - 2. Officers will remain professional and safe, and complete their actions in a timely fashion to the best of their ability. After completing any necessary paperwork, officers will inform the person concerning the action being taken and what the person is required to do as a result, i.e., how to pay the fine, attend a traffic court hearing, etc.
 - 3. Officers should not engage in lengthy roadside debates on the merit of the action taken or their accusations. If the person wants to argue further or make a complaint about the stop, the officer will explain to the person to contact the officer's shift supervisor.
 - 4. Once persons are cited or warned, they will not be detained beyond the point where there exists no reasonable suspicion of further criminal activity. Persons or vehicles will not be searched in the absence of a warrant, legally recognized exception to the warrant requirement, or person's voluntary consent.
 - 5. A person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any combination of these will not be the sole factor in determining probable cause for an arrest or reasonable suspicion for a stop unless it is based on specific credible information containing a physical description.
 - 6. The deliberate recording of any misleading information will be prohibited and a cause for disciplinary action, up to and including termination.

7. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure officers do not go beyond the parameters of reasonableness in conducting such activities.
8. Body-worn cameras (BWC) shall be activated as well as the member's in-car video camera. The video shall also be activated before the stop is made to record the actions of the vehicle or person. The cameras shall remain activated until the person is released.

II. TRAINING:

- A. Officers will receive initial and annual refresher training in fair and impartial policing including legal aspects in accordance with FSS [943.1758](#). (2.06A)
- B. Officers will receive periodic training on proactive enforcement tactics including training in officer safety, courtesy, cultural diversity, laws governing search and seizure, and interpersonal communication skills.
- C. Training programs will emphasize the need to respect the rights of all persons to be free from unreasonable government intrusion or law enforcement action.

III. PUBLIC COMPLAINTS: (2.06F)

- A. Any person may file a complaint with the RBPB if the person believes the stop or search was based on biased policing as outlined in [Policy #2.32, Complaint Process](#). Persons will not be discouraged, intimidated, or coerced from filing a complaint or discriminated against because they filed a complaint
- B. All biased policing complaints will be received, documented, investigated, tracked, and disposed of under agency disciplinary practices and professional standards procedures.
- C. Supervisors will review traffic stops and incident reports for trends and reasons for searches and will respond at random to backup officers on vehicle stops. Supervisors will take appropriate action, i.e., counseling, training, early intervention, discipline, etc., whenever it appears this policy is being violated. (2.06B)

IV. ADMINISTRATIVE REVIEW: (2.06E)

- A. An annual administrative review of the agency's practices including resident concerns and traffic stop procedures related to fair and impartial policing will be conducted annually.
- B. The annual report will be prepared by the Professional Standards (Internal Affairs) Division and reviewed by the Chief of Police.

V. COMMUNITY EDUCATION AND AWARENESS EFFORTS: (2.06D)

- A. The annual report's findings may be presented during public education programs and community meetings and made available to the public.
- B. The agency shall make community information continually available to the citizens regarding Biased Policing via the agency's online website.

VI. DISCIPLINARY ACTION – Employees violating this policy will be subject to disciplinary action in accordance with [Policy #1.29, Disciplinary Process](#). (2.06B)

APPROVED:

Signature on File

Michael A. Coleman
Chief of Police