



RIVIERA BEACH POLICE DEPARTMENT

POLICY # 3.89



SUBJECT: BIASED POLICING

DATE EFFECTIVE:

February 9, 2004

DATE REVISED:

June 16, 2022

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1.1 DEFINITIONS:

- 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. Reasonable Suspicion: Suspicion that is more than a mere hunch but based on facts and circumstances warranting a person of reasonable caution to believe that a person is about to commit, is committing, or has committed a crime. This can be based on an officer's observation, experience, training, and reliable information from credible outside sources.

1.2 GENERAL:

- A. As directed by FS 166.0493, the purpose of this policy is to explicitly state that any form of biased policing conducted by the Riviera Beach Police Department will be unacceptable and therefore prohibited; protect officers from unwarranted

accusations when they act within the directives of the law and policy; establish tracking of biased policing complaints; publish an annual report; and provide counseling, training, and/or discipline for failure to adhere to the policy.

1.3 POLICY:

- A. It is the Riviera Beach Police Department policy to patrol in a proactive manner, 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 commit a violation of the law. Any type of biased policing will not be tolerated. This does not preclude any contact with a person to obtain any general information consistent with the loitering and prowling statute.

1.4 PROCEDURE:

- A. Any contact, stop, detention, or search based solely on biased policing will be prohibited.
- B. 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.
- C. In response to a specific credible report of criminal activity, 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.
- D. The Riviera Beach Police Department's efforts will be directed toward assigning officers and/or operations to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.
- E. Motorists and pedestrians will only be subjected to stops, seizures, or detention upon reasonable suspicion they have committed or are committing an infraction.
- F. 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 compliant 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.

1.5 TRAINING:

- A. Officers will receive training on the comprehensive harm of biased policing.
- B. Officers will receive training regarding compliance with the biased policing policy including legal aspects.
- C. Officers will receive initial and ongoing training on proactive enforcement tactics including training in officer safety, courtesy, cultural diversity, and laws governing search and seizure, and interpersonal communication skills.
- D. Training programs will emphasize the need to respect the rights of all persons to be free from unreasonable government intrusion or law enforcement action.

1.6 PUBLIC COMPLAINTS:

- A. Any person may file a complaint with the Riviera Beach Police Department if the person believes the stop or search was based on biased policing. 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 in accordance with agency disciplinary practices and professional standards procedures.
- C. Supervisors will review traffic stop incident reports for trends and reasons for searches and respond at random to back up officers on vehicle stops. Supervisors will take appropriate action (counseling, training, early intervention, etc.), whenever it appears this policy is being violated.

1.7 ADMINISTRATIVE REVIEW:

- A. An annual administrative review of The Riviera Beach Police Department practices including resident concerns and traffic stop procedures related to fair and impartial policing will be conducted annually. The annual report will be prepared by professional standards and reviewed by the Chief of Police.

1.8 COMMUNITY EDUCATION AND AWARENESS EFFORTS:

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

1.9 DISCIPLINARY ACTION:

- A. Employees violating this policy will be subject disciplinary action including, but not limited to termination and/or criminal or civil prosecution.

Reference:

Florida State Statutes 166.0493; 943.1716 and 943.175