

DIVISION OF INSURANCE FRAUD

Florida Department of Financial Services

The Division of Insurance Fraud Prohibits Bias-based Profiling

We are here to protect and serve the community: Law enforcement officers are required to use skills developed through observation, training and experience in order to identify suspicious circumstances, unusual occurrences and violations of law, and to act according to the situation. We contact people who, according to our training, experience, and knowledge, are in a place or are acting in a way to make us believe that a crime was committed, is about to be committed or is in the process of being committed. This proactive approach aids in the detection and apprehension of criminals, and protects our citizens from crime.

We want to do the right thing: Discriminatory enforcement practices can alienate our citizens, foster distrust of police in the community, invite media scrutiny, legislative action and judicial intervention, and potentially lead to allegations of constitutional and civil rights violations. As we perform our duties, it is imperative that we afford all citizens the Constitutional and fundamental right to equal protection under the law.

We use accepted investigative tools: Criminal profiling is one of many accepted and necessary law enforcement investigative practices. However, it differs from and should not be confused with bias-based profiling. One is an investigative tool; the other, a discriminatory practice.

What is criminal profiling? When we investigate crime, we use every legitimate tool at our disposal 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.

Criminal profiling can assist us by narrowing the field of potential suspects in major criminal investigations. Based on current and historical law enforcement investigative knowledge and experience, we scrutinize a set of facts and factors common to specific criminal activity. From these facts and factors, we may be able to identify a type of person or group of people by gender, age, race, and/or by personality, social, and/or other characteristics who are most likely to be involved. This can result in fewer suspects to consider and a quicker resolution to the case.

How does criminal profiling differ from bias-based profiling? While criminal profiling does add elements (such as gender, race, or ethnicity) to a list of factors scrutinized to identify a suspect, these elements are only parts of several pieces of the puzzle that law enforcement officers must put together to solve crime.

Bias-based profiling occurs when, whether intentionally or unintentionally, a law enforcement officer applies his or her own personal, societal, or organizational biases or stereotypes when making decisions or taking police action, and the **ONLY** reason for that decision or action is because of a person's race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristic, rather than due to the observed behavior of the individual or the identification of the individual as being, having been, or about to be engaged in criminal activity.

What is the Division of Insurance Fraud's policy on bias-based profiling: It is the policy of the Division of Insurance Fraud to protect the Constitutional rights of all people, regardless of race, color, ethnicity, gender, sexual orientation, physical handicap, religion or other belief system or physical characteristic; and to treat each person with respect and dignity. While contacting persons in a variety of situations is not only routine, but also germane to law enforcement activities, the Division of Insurance Fraud will not accept or tolerate bias-based profiling.