

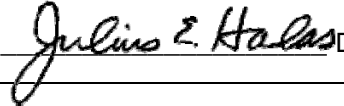


**Department of Financial Services
Bureau of Fire and Arson Investigations
STANDARD OPERATING PROCEDURE**

	Title:		Policy #
	BIAS-FREE POLICING		2.1.1
	Amends:	Rescinds:	Effective Date:
N/A	N/A	08/12/2009	
Review Date:	Review Date:	Review Date:	

Approved:  Chief John Corbett  Director Julius Halas

I. Purpose

The purpose of this directive is to unequivocally state that racial and ethnic profiling in law enforcement is unacceptable, to provide guidelines for detectives to prevent such occurrences, and to protect our detectives when they act within the dictates of the law and policy from unwarranted accusations.

II. Policy

It is the policy of the Bureau of Fire and Arson Investigations to protect the Constitutional rights of all people, regardless of race, color, ethnicity, gender, sexual orientation, physical handicap, religion or other belief system; and to treat each person with respect and dignity.

III. Authority

Florida Statute 30.15 (3)
Florida Statute 166.0493
Florida Statute 901.151

IV. Definitions

- A. Bias-based Profiling – The selection of an individual based solely on a trait common to a group for enforcement action. This includes, but is not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. (CFA 2.08M “D”)
- B. Criminal Profiling - The identification of a person or group of people by gender, age, race, or other characteristics, which is intended to identify a particular type of perpetrator, thereby narrowing the field of potential suspects in major criminal investigations.
- C. 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 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 a police officer combined with his or her training and experience, and/or reliable information received from credible outside sources. (CFA 2.08M “D”)

V. Procedures

- A. While contacting persons in a variety of situations is not only routine, but also germane to law enforcement activities, the Bureau will not accept or tolerate bias-based profiling in any situation including, but not limited to: traffic contacts, field contacts, search warrants and asset seizure and forfeiture efforts. (CFA 2.08M “A”)
- B. The Training Section will facilitate initial and ongoing training regarding bias-based profiling issues including legal aspects, in accordance with CJSTC guidelines. (CFA 2.08 M “B”)
- C. If bias-based profiling occurs, corrective action will include progressive discipline up to and including termination. (CFA 2.08M “C”)
- D. The Bureau does not have authority to issue traffic citations per Section 316.640, Florida Statutes; therefore, routine traffic stops will not be initiated by sworn members to enforce traffic infractions. (CFA 2.08 M “E”)
- F. Members shall not engage in bias-based profiling as a factor in determining reasonable suspicion to make a stop or detention, or in determining probable cause to make an arrest or to seize personal property. In the event of a specific, credible report of criminal activity which contains a description of a subject, members may utilize criminal profiling as an investigative resource. (CFA 2.08M “E”)
- G. In an effort to enhance community education of this policy the Bureau will post information on bias-based profiling on the Bureau web site and discuss this directive at any public forum or event when applicable to the discussion. (CFA 2.08M “F”)
- H. Any person may file a complaint with the Bureau if they feel they have been stopped, searched or investigated as a result of bias-based profiling. Complaints will be handled in the following manner (CFA 2.08 M “H”):
 - 1. No person shall be discouraged, intimidated, or coerced from filing a complaint, or discriminated against by any Bureau member because they filed a complaint;
 - 2. Any Bureau member contacted by a person who wishes to file a complaint shall provide the individual with the information necessary to enable that person to contact the Field Office Lieutenant or Regional Captain;
 - 3. Any Bureau supervisor receiving a complaint shall immediately document the allegation and forward the documentation to the Professional Standards Captain. Copies of the documentation shall also be provided to the supervisor’s chain of command up to and including the Division Director.

4. All complaints shall be carefully evaluated. The complainant shall be informed in writing by the Professional Standards Captain that the allegation is being reviewed. Upon conclusion, the complainant will be notified in writing of the result of the review within a reasonable period of time. The report and the reviewer's conclusion shall be filed in accordance with policy and shall contain findings, recommended disciplinary action, changes in policy, training or tactics.

I. Annual Administrative Review

1. On an annual basis, the Professional Standards Captain shall compile a summary for the preceding year to include (CFA 2.08M "G"):
 - a. Documented concerns of bias-based profiling;
 - b. Documented complaints of bias-based profiling;
 - c. Findings of investigations (proved, disproved or inconclusive);
 - d. Corrective action; and
 - e. A review of Bureau practices.
2. This report will be sent to the Director, and copied to the Bureau Chief by January 31st of each calendar year.
3. After the Director and Bureau Chief review the report, it will be made available to any citizen upon request.