



Florida International University  
Police Department



Biased Policing

NUMBER	EFFECTIVE DATE	REVISED DATE	SOP 14.13
SOP 14.13	07/13/2020	08/24/2021	

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**I. PURPOSE:**

The purpose of this policy is to state that racial and ethnic bias policing in law enforcement is unequivocally unacceptable. This policy also provides guidelines for members of the Florida International University Police Department (FIUPD) to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy, from unwarranted and/or unfounded accusations.

**II. DISCUSSION:**

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is the equal protection under the law. Along with the right to equal protection under the law is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to be protected from the actions of reckless and careless drivers on our streets and highways.

The FIUPD is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical disability, religion, or other belief system. Because of the nature of law enforcement, officers are required to be observant to unusual occurrences, including violations of the law, and to lawfully act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets, and highways safe to drive upon, and results in the detection and apprehension of criminals.

This policy is intended to assist the officers of the FIUPD to accomplish FIUPD's mission in a manner that respects the dignity of all persons and sends a strong message that FIUPD shall not tolerate criminal activity within FIUPD jurisdiction.

### III. POLICY:

It is the policy of the FIUPD to patrol in a proactive manner, investigate suspicious persons and circumstances, and to enforce the University's policies, federal and state laws, while ensuring that citizens shall only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law. All contacts with the public shall be conducted with the highest level of professionalism, integrity, and fairness.

In addition to this directive, the FIUPD has other policies in place which prohibit inappropriate conduct which could be interpreted or perceived as "Bias Policing". These rules, regulations, policies, and procedures are found throughout the Department's Standard Operating Procedures (SOP)/directives in response to the wide range of activities the Department regulates. Department personnel shall continue to follow all current Departmental policies that prohibit any inappropriate conduct against any individual or group.

The Chief of Police or designee shall engage in community education, outreach, and awareness efforts regarding the Department's policy on bias policing. **[CFA2.06M,D]**

### IV. DEFINITIONS:

#### A. Bias policing:

The detention, interdiction, targeting, or other disparate treatment of any person based solely on racial, ethnic status or characteristics, age, gender, economic status, or sexual orientation. **[CFA2.06M,C]**

#### B. 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.

**Biased Policing:** The inappropriate consideration of specified characteristics when enforcing the law or providing police services.

**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.

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

Police Services: Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include, but are not limited to, such tasks as: assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention; preventive patrol; traffic control; public information; education; and similar activities.

## V. PROCEDURES:

### A. Traffic Stops:

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 an infraction. Each time a motorist is stopped, the officer shall notify the dispatcher by radio of the location of the stop, the description of the person or vehicle being detained, and the statute number or violation, or other reason for the stop. This information shall be recorded and maintained by the FIUPD Communications Section. The Department recognizes that with experience, individual officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. Given a better approach, the following is recommended:
  - a) Give a greeting, such as "Good morning, ma'am," or "Good evening, sir," etc.
  - b) Identify yourself (e.g., "I am Officer Smith, of the FIU Police Department").
  - c) State the reason why the person is being stopped or detained (e.g., "I stopped you because I saw your vehicle travel through the stop sign at that last intersection without coming to a complete stop"). Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension).
  - d) It may defuse tension to ask a motorist if there was some reason for the violation. Giving the motorist the opportunity to express his/her account of the incident often leads to an admission, but more importantly, it shows the individual the officer is willing to listen to their explanation.
  - e) Politely ask for identification and any required documents (e.g., "May I please see your license, registration, and proof of insurance?").
  - f) After completing any necessary paperwork, inform the driver or pedestrian as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, obtain a traffic court hearing, etc.
  - g) Give an appropriate closing (e.g., if the motorist was cooperative, "Thank you

for your cooperation" may be in order. Do not use the trite expression, "Have a nice day" which would be inappropriate in these circumstances. "Please drive carefully, your safety is important to us" is more appropriate).

- h) Make sure the driver is able to merge safely back into the traffic stream. Appropriate enforcement action should always be completed generally in the form of a warning, citation, or an arrest. The proper form(s) must be filled out by the officer and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof. Consent searches shall only be conducted with written consent, using the proper Departmental form. If the individual indicates that they shall consent to a search, but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign," inserting initials and the signature of any witness in the signature block.
- i) In the absence of a specific, credible report containing a physical description, person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop. 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.
- j) Officers shall enter all required information in the appropriate MOBLAN module regardless of whether a Uniform Traffic Citation (UTC) or verbal warning is issued.

B. Investigations:

1. FIUPD personnel shall not investigate or collect intelligence information against any individual and/or group based on race, ethnicity, age, gender, economic status, or sexual orientation.
2. When conducting field interviews, race, ethnicity, age, gender, economic status, or sexual orientation of an individual or individuals shall not be a factor used by Department personnel.
3. When conducting preliminary investigations, race, ethnicity, age, gender, economic status, or sexual orientation of an individual or group shall not be used in effecting an arrest.
4. When conducting follow-up investigations, planning, organizing, and conducting searches shall not be based on race, ethnicity, age, gender, economic status, or sexual orientation.

C. Fair and Impartial Treatment:

1. It is the policy of the FIUPD to enforce the law and deliver police services equally, fairly and without discrimination toward any individual or group.
2. FIUPD 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.
3. It is biased policing if an officer's decisions/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 in which the individual is found.
4. 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/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/she shall summon other officers for assistance.

D. Compliance:

1. Any person may file a complaint with the FIUPD if they feel they have been stopped or searched based on race, ethnicity, age, economic status, and gender or gender based. No person shall be discouraged, intimidated, or coerced from filing such complaint, or discriminated against because they have filed such a complaint. **[CFA2.06M,F]**
2. Any officer contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of a citizen complaint form. The form may be mailed or delivered in person to FIUPD, and shall record the person's name, address, and telephone number. The report shall be sent to the officer's supervisor prior to the end of the shift, whenever possible. Supervisors receiving such a report shall forward it to the Internal Affairs Unit via chain-of-command. Complaints shall be reviewed, and the complaint acknowledged to the complainant in writing. The complainant shall be informed of the results of the Department's review within a reasonable period of time. The report and the reviewer's conclusion shall be forwarded to the Chief and shall include findings and any suggestions for disciplinary action, and if applicable, include any recommended changes in policy, training, or tactics. (See FIUPD Internal Affairs & Citizen Complaints, SOP 7.01). **[CFA2.06M,F]**
  - a) Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. In addition, where appropriate, officers shall intervene at the time the biased policing incident occurs.

- b) Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring. Corrective measures shall be taken immediately if allegations of biased policing are substantiated. Corrective measures can be but are not limited to, training, remedial training, or disciplinary action. **[CFA2.06M,B]**
  - c) Violations of this policy shall result in training, counseling, discipline, or other remedial intervention as appropriate to the violation.
- 3. All external and internal complaints, that cannot be resolved effectively and appropriately by supervisory personnel, or that are determined to be potentially serious in nature, shall be forwarded to the Office of Investigations and Threat Assessment Section Commander for investigation (see FIUPD Internal Affairs & Citizen Compliant SOP, 7.01).
  - 4. The Department shall prepare an Annual Analysis Report that shall reflect trends in traffic enforcement and citizen concerns/complaints, to address training needs, corrective measures, or other concerns. The Annual Analysis Report shall be prepared by the Office of Investigations and Threat Assessment Division and approved by the Chief of Police or designee. **[CFA2.06M,E]**

#### E. Training

- 1. All employees shall receive basic and periodic in-service training, and where deemed necessary, remedial training on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, implicit bias, legal aspects of biased policing, and related topics suitable for preventing incidents of biased policing pursuant to Florida Statutes. **[CFA2.06M,A]**
- 2. Officers shall be trained in proactive enforcement tactics, community education and awareness efforts, including but not limited to, safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communication skills. Training programs shall emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action. Traffic enforcement shall be accompanied by consistent supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities. **[CFA2.06M,A]**