

- E. It is the Winter Park Police Department’s philosophy to assist law enforcement in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong message to actual and potential lawbreakers that if they break the law, that behavior will not be tolerated and they will likely encounter the police.

105-4 DEFINITIONS:

- A. Criminal profiling – a legitimate tool in the fight against crime. Criminal profiling is an investigative method in which an officer, through observation of activities and environment, identifies suspicious behavior by individuals and develops a legal basis, consistent with the Fourth Amendment, to stop them for questioning.
- B. 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.
- C. Detention – The act of stopping or restraining an individual’s freedom to leave or walk away, approaching and questioning an individual beyond a consensual encounter, or stopping an individual suspected of being involved in criminal activity.
- D. Reasonable Suspicion – Facts or circumstances which would lead an officer to reasonably believe a person has been, is, or is about to be engaged in criminal activity.
- E. Stop – The restraining of an individual’s liberty by physical force or their submission to a show of authority.

105-5 AUTHORITY AND RESPONSIBILITY:

- A. All investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, traffic stops, investigative detentions, non-consensual searches, and property seizures.
- B. Officers may take into account the reported race, color, ethnicity, or national origin of a specific suspect based on trustworthy information that links a person of a specific race, color, ethnicity, or national origin to a particular criminal incident.
- C. Race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, political status, or any other legally protected characteristics can never be used as the sole basis for establishing reasonable suspicion or probable cause, but can, in the restricted circumstances described above, be one component of the “totality” of the circumstances.
- D. Officer Responsibilities:

1. Traffic stops and proactive patrols are vital law enforcement tools. In addition to deterring motor vehicle violations, they provide law enforcement visibility and deter more serious crimes. An officer may stop a motor vehicle upon a reasonable suspicion that the driver or an occupant committed a motor vehicle violation or other offense. Such stops shall conform to Department policy and procedures.
2. At the completion of every motorist or pedestrian stop, the officer shall call in the appropriate disposition code and the apparent race and sex of the person contacted (i.e. driver or primary person contacted).
3. If an officer is unsure of the race, color, ethnicity, or gender of a person stopped, the officer shall not risk offending that individual by asking the person to identify that characteristic except in an instance in which that characteristic is necessary to the investigation.
4. No motorist or pedestrian, once cited or warned shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity or other legal or factual basis for detention. No person or vehicle shall be searched in the absence of a search warrant or arrest warrant, a legally recognized exception to the warrant requirement, or a person's voluntary consent.
5. Whenever there is a stop or search of a vehicle or individual (except at authorized roadblocks) and the individual alleges the stop or search was made because of illegal or biased policing (e.g. stopped only because of race or ethnic origin, gender, etc.), the officer shall immediately notify the on-duty supervisor. The officer shall provide the supervisor with a verbal account of the circumstances surrounding the complaint.

E. Supervisor Responsibilities:

1. Supervisors shall ensure that all officers in their command are familiar with the content of this policy and follow the policies and procedures outlined in this policy.
2. An on-duty supervisor shall promptly respond when advised that a person is making a complaint alleging biased policing.
3. The supervisor shall discuss the incident with the complainant and comply with Section 105-6, Complaint Procedures.
4. Supervisors shall respond, at random, to observe officers on vehicle and person stops.
5. Supervisors shall be particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads and take appropriate action.

105-6 COMPLAINT PROCEDURES:

- A. Any person may file a complaint with the Department if he/she feels they have been stopped or searched as a result of biased policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint or discriminated against because he/she has filed such a complaint. Complaint procedures in SOP 140 Professional Standards shall be followed.
- B. Any employee contacted by a person who wishes to file such a complaint shall contact an on-duty supervisor or higher-ranking officer to respond. After discussion with the person, if appropriate, the supervisor or higher-ranking officer shall complete an Administrative Investigation form (SOP #: 140, Attachment "A") and forward it to the Office of the Chief via the chain of command before the end of the tour of duty.
- C. All biased policing complaints shall be reviewed by the Chief of Police or his/her designee. After an investigation, if there are grounds to believe that biased policing occurred, corrective measures will be taken. Corrective measures may include supervisory counseling, remedial training, and/or discipline. In cases of sustained charges of biased policing, the complainant shall be informed in writing of the Department's review at the conclusion of the investigation, and the notification shall include a finding of facts (disposition). The Administrative Investigation form and all related investigation documents shall be filed with the Professional Standards Section and retained per Florida records retention laws.

105-7 TRAINING:

All sworn members shall receive training in fair and impartial policing to include legal aspects, in accordance with Florida Statutes. . All recruits shall receive this training during the Orientation portion of the field training program.

105-8 COMMUNITY OUTREACH (EDUCATION AND AWARENESS EFFORTS):

The Chief of Police or his/her designee may meet with groups affected by this policy if requested or as needed. Information regarding the Department's policy and procedures regarding Bias-Free Policing and how to file a complaint shall be provided to the public through pamphlets (located in the police department lobby) and shall be posted on the Department's website.

105-9 REQUIRED REVIEWS:

- A. The Chief of Police or his/her designee shall review all complaints of biased policing to determine if additional follow-up, remedial action, or policy changes are required.
- B. The Administrative division chief shall complete an annual administrative review each year. As part of an annual administrative review, the Administrative division chief shall review traffic stop procedures related to fair and impartial policing to ensure they are in compliance with policy and State law. In addition, a statistical summary of all biased policing complaints for the year, including the findings, shall be included. The annual review (of data and practices for the preceding calendar year) shall be completed

prior to the end of the first quarter of the following year. The approved administrative review shall be forwarded to the Accreditation Manager.

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