



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

TITLE: BIAS-FREE POLICING

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
43	May 16, 2017	October 31, 2011	All Sworn Members

References

S. 316.614, F.S.; GO 02, GO 16, and GO 17

CFA 2.06M

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to prohibit biased policing, to train all sworn members engaged in enforcement activities in the prohibition against biased policing, and to thoroughly investigate all complaints of biased policing.
- B** It is the policy of the FWC Division of Law Enforcement to ensure that all sworn members know that a police action which is biased violates the “equal protection” clause of the Constitution. It also alienates citizens, fosters distrust of police, and undermines legitimate law enforcement efforts.
- C** It is the policy of the FWC Division of Law Enforcement to ensure that as a general rule, unless a sworn member is attempting to apprehend a suspect in a reported crime, a sworn member shall not consider a person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group, when taking law enforcement action.

D Definitions

- (1) Bias** – A predisposition to act, or fail to act, in a certain way, because of another person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.
- (2) Bias-based profiling** – Law enforcement action taken by a sworn member of the Division to stop, detain, interdict, or search an individual based on race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.
- (3) Reasonable suspicion** – Reasonable 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 a violation of the law has been committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on observations of a law enforcement officer combined with his or her training and experience, and/or reliable information received from credible outside sources.
- (4) Complaint of inappropriate biased policing** – A complaint by a person who alleges that they were stopped, detained, arrested, had their personal property seized, or were asked to consent to a search, in whole or in part, because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.

2 RESPONSIBILITIES

A Division of Law Enforcement

- (1) The Division shall train all sworn members engaged in enforcement activities in the prohibition against biased policing.
- (2) The Division shall conduct a thorough investigation of all complaints of biased policing by its sworn members, and implement corrective measures when necessary.

B Sworn members shall not engage in the practice of bias-based policing. Members of the public are guaranteed equal protection under the law and the right to be free from unreasonable searches and seizures. Sworn members shall carry out their enforcement responsibilities in a manner that respects these rights and upholds the dignity of all people.

3 PROCEDURES

A Stops and Other Citizen Contacts

- (1) Members of the public shall only be stopped or detained upon reasonable suspicion that they have committed, are committing, or are about to commit, a violation of law or as outlined in General Order 17, *Searches, Raids, Inspections and Highway Checkpoints*, or Florida Statute. Traffic stops will be based solely in accordance with the laws of the State of Florida and Florida's Administrative Code, and General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.
- (2) Members of the public shall only be arrested if there is probable cause to believe that they have committed a criminal offense.
- (3) Personal property belonging to a member of the public shall only be seized if there is probable cause to believe that the property is evidence of a crime, contraband, or as outlined in General Order 16, *Collection, Preservation and Documentation of Evidence and Property*.
- (4) In the absence of a specific, credible report of criminal activity which contains a description of the suspect, members shall not use a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group, or any combination of these characteristics, 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.
- (5) In the absence of a specific, credible report of criminal activity which contains a description of the suspect, members shall not use a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group, or any combination of these characteristics, as a factor in deciding to request a "consent to search."

B Collection of Racial and Ethnic Information for Seatbelt Citations in accordance with Section 316.614 Florida Statutes, *Florida Safety Belt Law*

- (1) Whenever a sworn member issues a uniform traffic citation for any seatbelt or child restraint device violation of S. 316.614, F.S., the member shall document the offender's race and ethnicity on the *Citations Issued for Violation of Section 316.614* Form (FWC/DLE-340) and process this form with the uniform traffic citation.
- (2) The violator's race will be marked in the appropriate blank on the citation form. The sworn member will use the information on the offender's driver's license to determine the violator's race. The sworn member will determine and record the violator's ethnicity using their professional judgment based on the information that is known at that time.
- (3) If the violator does not have a driver's license available, the sworn member shall use the racial information obtained through a driver's license check. If the violator does not have a driver's license and a records check does not produce any record, the racial information shall be

obtained along with and in the same manner as the ethnicity information.

C Training

- (1) In accordance with CJSTC guidelines, all sworn members shall be trained regarding the prohibition of inappropriate, bias-based policing. The topics should include field contacts, traffic stops, search issues, asset seizure and forfeiture, as well as interview techniques, cultural diversity, legal aspects, discrimination, and community support. This training is accomplished at least every four years through FDLE mandated in-service training.

D Complaints of Biased Policing

- (1) Any person may file a complaint with the Commission if they feel they have been stopped, detained, arrested, had their personal property seized, or been asked to consent to a search as a result of biased policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint; nor shall any person be discriminated against because they have filed such a complaint.
- (2) Any sworn member who is contacted by a citizen wishing to file a complaint of biased policing shall notify their immediate supervisor of the complaint.
 - (a) The sworn supervisor, upon receiving a complaint of biased policing, shall attempt to obtain as much information as possible to include the complainant's name, address, and telephone number.
 - (b) The sworn supervisor who receives a complaint of biased policing shall forward the complaint to the Professional Standards Coordinator via the chain-of-command.
- (3) If an allegation of bias-based profiling is sustained, the Division will implement the appropriate corrective and/or disciplinary measures.

E Review

- (1) On an annual basis, the Professional Standards Coordinator or designee shall compile a summary and review of all complaints of biased policing, and traffic and vessel stop procedures, for the prior year.

F Community Education and Awareness

- (1) The Division's Deputy Chief or designee is the community liaison for biased policing issues. The Deputy Chief or designee shall, upon request, meet with groups affected by this policy and provide community education and updates on the Division's awareness efforts. Additionally, information regarding the Division of Law Enforcement's policy against biased policing is available on the Division's web site for public viewing.
- (2) Sworn members who appear in public shall attempt to educate citizens regarding the Division's prohibition against biased policing when prompted.
- (3) The Division maintains a community awareness and education site available to members of the public at <http://myfwc.com/about/inside-fwc/le/bias-free/>.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-340	Citations Issued for Violation of Section 316.614