



Supreme Court of Florida
Office of the Marshal



STANDARD OPERATING PROCEDURES

BIAS-BASED PROFILING Marshal Silvester Dawson	Policy Number 31.0 Effective 04/01/2017
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I. PURPOSE:

The purpose of this policy is to unequivocally state that bias-based profiling in law enforcement is totally unacceptable, to provide guidelines for officers to avoid such occurrences, and to protect officers from unfounded allegations when they act within the scope of their authority, policies and procedures, federal law, state law, and articulated facts.

II. POLICY Bias-based profiling or racial profiling in traffic contacts, field contacts, searches and seizures, arrests, and in asset seizure and forfeiture efforts is strictly prohibited. Sworn officers shall enforce state and federal laws and applicable policies and procedures in a responsible and professional manner, without regard to race, ethnicity, national origin, sexual orientation, gender, income status, religion, or cultural group.

III. AUTHORITY

- ARTICLE V., Section 3 (c) Florida Constitution
- Chapter 25.251, Florida Statutes
- Chapter 25.271, Florida Statutes
- Chapter 943, Florida Statutes
- Chapter 30.15 Florida Statutes
- Chapter 166.0493

IV. DEFINITIONS (2.06M C)

Biased-Based Profiling. The selection, detention, interdiction, or other disparate treatment of any individual on the basis of their race, color, ethnicity, gender, sexual orientation, physical handicap, economic status, age, cultural group, religion or other belief system, or any other identifiable group.

Reasonable Suspicion. Also, known as articulated suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulated facts and circumstances that would warrant a person of reasonable caution 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.

V. PROCEDURES

1. Sworn officers may not use racial, ethnic, gender, or sexual stereotypes in selecting whom to stop, interview, and/or search.
2. The racial, ethnic, gender or sexual orientation of the driver or pedestrian may only be legitimately taken into account by the officer when such orientation is integral to the actual description of a specific suspect(s) for whom the officer is searching.
3. Sworn officers may not consider racial, ethnic, gender, or sexual orientations when selecting whom to arrest and who should undergo a lawful search and seizure.
4. Preliminary and follow-up investigations conducted by officers of this Department must be in accordance with normal investigative procedures. Sworn officers and investigators may not use racial, ethnic, gender, or sexual orientations when deciding whom to investigate, interrogate, or interview.
5. All officers are required to attend and follow Criminal Justice Standards and Training Commission (CJSTC) training prohibiting bias-based profiling (2.06M A), as mandated by Section 943.1758, Florida Statutes. All officers of the Department are required to complete a training block entitled, "Discriminatory Profiling and Professional Traffic Stops", every four (4) years.
6. The Deputy Marshal Supervisor shall be responsible for periodically reviewing all officers' training files to ensure registration, successful completion, and documentation of the "Discriminatory Profiling and Professional Traffic Stops" training.

VI. Complaints of Bias-Based Profiling (2.06M B, F)

1. Citizen Complaints that specifically allege bias-based profiling on the part of members will follow normal procedures.
2. All complaint procedures and dispositions shall be conducted in accordance with the provisions of G.O. 12.0, "Internal Investigations", With the exception of the timeframe of 180 days as provided in FSS 112.532 (6) A. The investigation will be completed within forty-five days, unless the Marshal or his/her designee grants an extension.
3. Any person may file a complaint if he/she feel he/she have been stopped or searched on bias-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because he/she have filed such a complaint.

4. Any member contacted by a person who wishes to file such a complaint, shall contact the Deputy Marshal Supervisor who will advise the individual of the process to file a complaint.
5. Any member found to have violated this policy will be subject to corrective actions as determined by the Marshal or his/her designee. (2.06M B)
6. The Marshal shall post this policy on the Office web page to serve as Community education and awareness efforts. (2.06M D)