



Boynton Beach Police Department

PROFILING

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	Scope:	All Department Members	
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	Proponent Unit:	Office of the Chief	
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Joseph DeGiulio Chief of Police		The electronic signature of this directive is saved on file within Power DMS	

Related References/Accreditation Standards: CFA 2.06M

Related Policies/Procedures: IC 300

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I. PURPOSE

Section 166.0493 of the Florida State Statutes requires that municipal law enforcement agencies incorporate an anti-racial or other anti-discriminatory profiling policy into its policies and procedures. This directive is promulgated in order to comply with the statutory requirement and to ensure that all members adhere to the department’s commitment to fair and impartial enforcement of the law.

II. POLICY

Biased based profiling in the course of law enforcement and crime prevention activities is not an acceptable practice. Officers are prohibited from using race, ethnicity, gender, sexual orientation, religion, socio-economic status or disability as the sole reason for stopping a vehicle, seizing property, initiating forfeiture proceedings, or the temporary detention of a citizen. All officer initiated traffic stops, investigatory detentions, arrests, searches and seizures will be based on the standards of reasonable suspicion or probable cause as required by the United States and Florida Constitutions. However, it is the policy of this department to be proactive in the detection and prevention of crime, to aggressively enforce the motor vehicle laws of this state while detaining citizens only when there exists reasonable suspicion to believe that they have committed, are committing or are about to commit an infraction of the law. (CFA 2.06)

III. DEFINITIONS

Biased Bases Profiling- occurs when an officer detains or initiates any investigative or enforcement action against a citizen based solely on a trait common to any group, including but not limited to: race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural classification, or any other identifiable group (CFA 2.06).

Reasonable Suspicion- More than a mere “hunch”. An officer possesses reasonable suspicion when he or she can articulate a set of facts or circumstances that would reasonably justify the detection of a citizen based on the fact that a crime has been committed, is being committed or will be committed and that the person detained might have committed, will commit or is committing the crime.

Probable Cause- Less than what is needed for a conviction. Probable cause exists when a reasonable police officer, reviewing the facts and circumstances known to him, can conclude that a crime has been committed and that the person to be arrested has committed that crime.

IV. PROCEDURE

Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committed or are about to commit a violation of the law. All arrests will be supported by probable cause. (CFA 2.06)

Officers will extend an appropriate greeting to the person(s) stopped or detained and identify themselves. Officers will politely ask for identification and any other required documents.

All persons stopped and detained shall be provided with an explanation for the detention unless disclosure of such information would undermine an investigation or jeopardize the officer's safety.

Persons detained should be informed of any action that the officer will take at the appropriate time. An appropriate closing will be given (e.g. "thank you for your cooperation", "drive safely", etc.) and motorists will be assisted in merging safely back onto the traveled portion of the roadway when necessary.

No one, once cited, warned or otherwise advised, shall be detained beyond the point where reasonable suspicion of further criminal activity no longer exists, and no person or vehicle will be searched in the absence of a warrant or legally recognized exception to the warrant requirement.

In cases where a search of a person or vehicle is performed, or where officers detain a subject for the purpose of conducting a criminal investigation, officers will complete a police report outlining the circumstances justifying the detention and/ or search along with the name, age, race, gender and address of the person detained and/or searched. Omitting or deliberately recording 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.

When practical, all vehicle stops and citizen encounters will be recorded on the vehicle's in car-camera system and body worn cameras.

Officers will provide their name and ID number to citizens upon request.

Nothing in this section is intended to prevent officers from interviewing witness or initiating consensual contact with citizens during the course of their duties.

V. COMPLAINTS (CFA 2.06)

Any person may file a complaint with the department if they believe they have been stopped or searched based on bias-based profiling without being discouraged, intimidated or coerced from filing such complaint by any member of the agency.

All complaints of biased based profiling will be received and processed in accordance with Index Code 300.

A documented annual administrative review of agency practices involving bias-based profiling, to include areas of forfeitures, traffic stops, and seizures will be compiled by the Commander of the Office of the Chief or designee and forwarded to the Chief of Police for review and publication no later than January 15th of each calendar year (CFA 2.06).

VI. TRAINING (CFA 2.06)

Amendments to Florida State Statutes Section 943.1758 mandate that all law enforcement officers receive "discriminatory profiling training" as part of the ongoing in service training program.

The Training Unit Supervisor will ensure that discriminatory profiling is included within Human Diversity module of the mandated in-service training program in accordance with CJSTC guidelines. Additionally, all personnel will complete the "Safe and Legal Traffic Stops" (SALTS) training course during the in-service training cycle.

The Training Unit Supervisor will ensure that the appropriate entries indicating compliance with the discriminatory profiling training are made to the CJSTC Automated Training Management System (ATMS) and the member's personal training record.

VII. PUBLIC INFORMATION AND EDUCATION

The Public Information Officer will ensure that information regarding the Department's racial profiling policy is disseminated via press release, website publication, and through inclusion in the Citizen's Police Academy curriculum (CFA 2.06).