

Key West Police Department

Respect – Integrity – Fairness – Service

General Order

Racial and Discriminatory Profiling

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A handwritten signature in green ink, appearing to read "Sean T. Brandenburg".

Chief Sean T. Brandenburg

COLOR CODING DENOTING LEVEL OF LIABILITY:

WHITE: Low Risk / Discretionary Time

PURPOSE

The purpose of this directive is to comply with F.S. 166.0493 to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations

DISCUSSION

A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to the equal protection under the law. Along with this right to equal protection 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 deprivations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Key West Police Department is charged with protecting these rights for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Because of the nature of their business, law enforcement officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.

This policy is intended to assist law enforcement in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police.

It is the policy of the Key West Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will 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. Bias based profiling in traffic contacts, field contacts, searches and seizures and in asset seizure and forfeiture efforts is prohibited.

SCOPE

Specific responsibilities and requirements are found in this Directive for:

- All sworn personnel
- All supervisors
- Commander – Professional Standards
- Internal Affairs Inspector

DEFINITIONS

Bias-Based Profiling - The selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender or gender identity, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

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.

DIRECTIVE

03.19.01 PROACTIVE PATROLS

The department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes prevented through proactive patrol.

03.19.02 TRAINING AND EDUCATION

- Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, interpersonal communications skills, cultural diversity, issues and legal aspects of bias-based profiling in accordance with CJSTC guidelines, and the laws governing search and seizure. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- Through community education and awareness efforts, the community will be informed of the Department's policy prohibiting bias-based profiling. The procedures will be explained on how to lodge a complaint if a person believes that he/she has been the subject of bias-based profiling.

03.19.03 STOPS, SEIZURES AND DETENTIONS

Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities. 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 or criminal offense. Officers must fully comply with the requirements of General Order – 03.42 "Traffic Stops" as they relate to racial and discriminatory profiling.

03.19.04 COMPLAINTS

03.19.04.01 Any person who feels that he/she has been stopped or searched based on racial, ethnic, or gender-based profiling is encouraged to file a complaint with the Key West Police Department. No person shall be discouraged, intimidated, or coerced from filing a complaint, or discriminated against because they have filed such a complaint. Any member contacted by a person who wishes to file such a complaint shall refer that person to the on-duty Watch Supervisor. The Supervisor shall receive, document and forward the complaint in accordance with General Order 02.22, "Investigations of Personnel Misconduct."

03.19.04.02 All complaints will be reviewed by the Professional Standards Division – Office of Internal Affairs, and a Review or Administrative Investigation conducted in accordance with General Order 02.22, "Investigation of Personnel Misconduct." Corrective action or disciplinary action appropriate for the totality of the circumstances will be levied against any member determined, by preponderance of the evidence, to have engaged in bias-based profiling as prohibited by this Directive. Each complainant will be informed of the results of any Review or Investigation.

03.19.04.03 On an annual basis, the Commander of Professional Standards shall conduct a documented Administrative Review of agency practices involving bias-based profiling, to include areas of forfeitures, traffic stops and seizures and, preparing a summary of all complaints and documented concerns from the public related to bias-based profiling during the preceding calendar year.

03.19.05 SUPERVISOR MONITORING

Supervisors shall periodically review a sampling of in-car video recordings and BWC recordings of stops, reports filed on stops by officers, and randomly respond as back-up for officers on vehicle stops. Supervisors shall take appropriate action whenever it appears that this directive is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by officers.

REFERENCES

- F.S. 166.0493
- Florida Police Chiefs Model Policy
- CFA Standards Manual Edition 04.0.22

EVOLUTION

- General Order 03.19, Racial and Discriminatory Profiling, Version 07/09/01
- General Order 03.19, Racial and Discriminatory Profiling, v 02-22-2003
- General Order 03.19, Racial and Discriminatory Profiling, e 02.09.2009
- Incorporating CFA Accreditation Change Notices 4.0.14 (Oct-08) and 4.0.15 (Feb-09)
- May 20, 2009
General Order 03.19, "Racial and Discriminatory Profiling"
- General Order 03.19, Racial and Discriminatory Profiling, v03.02.2020