
City of Shoreacres Police Department
Bias Based Profiling and Video Policy

POLICY

It is the policy of this Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce city ordinances, as well as state and federal laws in a responsible and professional manner, without regard to race, ethnicity, gender, age, perceived sexual preference, religious beliefs, economic status, or political affiliation. This policy shall be applicable to all persons with whom officers come in contact.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. The right of all persons to be treated equitably and to be free from unreasonable searches and seizures must be respected. Bias Based Profiling is an unacceptable police practice and **will not** be condoned.

This policy shall not preclude officers from offering assistance to motorists, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

Definitions

Bias Based Profiling – A law enforcement-initiated action based solely on an individual's race, ethnicity, gender, age, perceived sexual preference, religious beliefs, economic status, or political affiliation, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Pedestrian Stop – An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Traffic Stop – A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

COMPLAINT INVESTIGATION

The Department shall accept complaints from any person who believes he/she has been stopped or searched as a result of bias based profiling. No person shall be discouraged from filing a complaint, nor discriminated or retaliated against because he/she filed such a complaint.

Any employee who receives an allegation of bias based profiling, including the officer who initiated the contact, shall offer the complainant an opportunity to file their complaint in writing. If any formal complaint is made, it shall be forwarded immediately

to the Chief of Police. Any employee contacted with a bias based profiling complaint against another employee, shall provide to the complaining party information on the complaint procedures and the opportunity to file a written complaint at that time.

Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within 45 days of filing. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police.

If a bias based profiling complaint is sustained against an officer, appropriate corrective and/or disciplinary action may be taken, up to and including termination.

If there is a Departmental video or audio recording of the events upon which a complaint of bias based profiling is alleged, upon commencement of an investigation by this Department into the complaint and written request of the officer made the subject of the complaint, this Department shall promptly provide a copy of the recording to that officer. A copy of the videoed incident, which is the subject of the complaint, will also be provided to the complainant upon written request.

PUBLIC EDUCATION

This Department will inform the public of its policy against bias based profiling and the complaint process. Methods that may be utilized to inform the public re the news media, radio, or civic presentations, and the Internet, as well as governing board meetings.

USE OF VIDEO AND AUDIO EQUIPMENT

Each motor vehicle regularly used by this Department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment; and

Each traffic and pedestrian stop made by an officer of this Department that is capable of being recorded by audio/video, or audio as appropriate, shall be recorded.

Each patrol officer shall, at the beginning of his/her shift, test the audio/video equipment in his/her vehicle, by recording both picture and sound. That officer is to take care not to record over the test completed at the beginning of his/her shift. Each officer is to then utilize the audio/video equipment as needed or prescribed for the remainder of his/her shift.

This Department shall retain the audio/video recordings or audio recordings of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this Department alleging an officer has engaged in bias based profiling with respect to a traffic or pedestrian stop, this Department shall retain the

audio/video recordings or audio recordings of the stop until final disposition of the complaint.

Audio/video recordings will be reviewed monthly for each officer by supervisory personnel.

Officers will not normally utilize a vehicle without a functioning video system for vehicle or pedestrian stops. Such vehicles may be utilized only when other reasonable alternatives are unavailable.

EXAMPLES OF BIAS BASED PROFILING

The prohibition against bias based profiling does not preclude the use of any descriptors as factors in a detention decision. Race, ethnicity, gender, age, perceived sexual preference, religious beliefs, economic status or political affiliations may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity, gender, age, perceived sexual preference, religious beliefs, economic status or political affiliations is bias based profiling. Examples of bias based profiling include but are not limited to the following:

- Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, making the stop based solely on that driver's race, ethnicity, gender, age, perceived sexual preference, religious beliefs, economic status or political affiliations.
- Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, gender, age, perceived sexual preference, religious belief, economic status or political affiliation is unlikely to own or possess that specific make or model of vehicle.
- Detaining an individual based upon determination that a person of that race, ethnicity, gender, age, perceived sexual preference, religious belief, economic status or political affiliation does not belong in a specific part of town or a specific place.

Two principles are at the heart of the adoption of this definition of bias based profiling:

- Police may not use race, ethnicity, gender, age, perceived sexual preference, religious belief, economic status or political affiliation stereotypes as factors in

selecting whom to stop and search, while police may use those aspects in conjunction with other known factors of a suspect.

- Law enforcement officers may not use race, ethnicity, gender, age, perceived sexual preference, religious belief, economic status or political affiliation stereotypes as factors in selecting whom to stop and search.