

	<b>LAKELAND POLICE DEPARTMENT GENERAL ORDER</b>	<b>G.O. 3-6</b>
<b>BIAS-FREE POLICING</b>		
ORIGINAL ISSUE: 12/01/2011	RESCINDS: 03/08/2018 CN 2018-005	
AMENDED: 02/11/2019 CN2019-003		
ACCREDITATION STANDARDS:	CALEA 1.2.9	
	CFA 2.06, 17.13	
ASSOCIATED GENERAL ORDERS: 11-1, 17-5, 24-2		

**PURPOSE:** The purpose of this directive is to reaffirm the Lakeland Police Department's commitment to bias-free policing, clarify the circumstances in which an officer may consider an individual's personal traits when taking law enforcement action, and reinforce procedures to ensure all department members provide service and enforce the law in a fair and equitable manner.

**POLICY:** It is the policy of the Lakeland Police Department to prohibit bias-based profiling, during but not limited to traffic contacts, field contacts, searches and seizures, and asset seizure and forfeiture efforts; to train all members engaged in enforcement activities in the prohibition against bias-based profiling; and to thoroughly investigate all complaints of bias-based profiling. [CALEA 1.2.9 a]

**DEFINITIONS:**

*Bias-Based Profiling:* The selection of an individual or group of individuals for enforcement action based solely upon a personal trait that is common to a group of people. Traits of this type include, but are not limited to: race, ethnic background, national origin, immigration status, language fluency, gender, gender identity/expression, sexual orientation, disability, religion, economic status, occupation, housing status, age, and cultural group. [CFA 2.06 C]

*Probable cause:* The existence of facts and circumstances which would lead a person of reasonable intelligence and prudence to believe that a crime has been committed.

*Reasonable Suspicion:* Also known as "founded suspicion". Suspicion that is more than a mere hunch. Suspicion that 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, is being committed, or is about to be committed by the person or persons under suspicion. "Reasonable suspicion" can be based on the observations of a police officer in light of their training and experience and/or reliable information received from credible outside sources. [CFA 2.06 C]

**RULES AND PROCEDURES:**

**3-6.1 TRAFFIC STOPS AND OTHER CITIZEN CONTACTS**

- A. Sworn members will patrol proactively, investigate suspicious persons and circumstances, actively enforce criminal and motor vehicle laws, and stop or detain citizens in accordance with the law and the Department's general orders. [DS 0]

- B. Members of the public will only be stopped or detained upon *reasonable suspicion* that they have committed, are committing, or are about to commit a violation of law. [DS 1] Officers will be able to articulate specific facts and circumstances supporting *reasonable suspicion* for a traffic stop or investigative detention. [DS 1]
- C. Members of the public will only be arrested if there is probable cause to believe that they have committed a criminal offense. [DS 1] Officers will be able to articulate specific facts and circumstances supporting probable cause for an arrest. [DS 1]
- D. Personal property belonging to a member of the public will only be seized if there is *probable cause* to believe that the property is evidence of a crime or contraband. [DS 1] Officers will be able to articulate specific facts and circumstances supporting *probable cause* to believe that the property is evidence or contraband. [DS 1]
- E. Except as provided below, officers shall not consider race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group in establishing either *reasonable suspicion* or *probable cause*. [DS 1]
- F. Officers may take into account the reported race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group of a specific suspect or suspects based on relevant information that links the person or group to a particular criminal incident or series of crimes.
- G. During traffic-related stops, officers shall follow the guidelines set forth in General Order 24-2 Traffic Enforcement. [DS 1]
- H. Mobile video/audio equipment shall be activated prior to stopping a motorist. [DS 1] Procedures shall be followed as set forth in General Order 17-5 "Use of Audio and Video Recordings". [CFA 17.13] [DS 1]
- I. No motorist who is being cited or warned shall be detained longer than is reasonably necessary to complete the citation or warning, unless the officer has a *reasonable suspicion* that the motorist is involved in criminal activity. [DS 1]
- J. No person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. [DS 1]
  - 1. In every case where a search is conducted and property is seized, the incident shall be documented in an event report, including the basis for the search and the result thereof. [DS 1]
  - 2. Circumstances permitting, officers are encouraged to document consent searches using the "Consent and Release" form (LPD100).

### **3-6.2 DEPARTMENTAL TRAINING** [CALEA 1.2.9 b]

- A. All sworn officers and other members of the Department who engage in enforcement activities shall receive initial and annual training in proactive law enforcement, including field contacts, traffic stops, officer safety, courtesy, cultural and human

diversity, search and seizure, asset seizure and forfeiture, community support, and interpersonal communications skills.

- B. In accordance with CJSTC guidelines, training programs will emphasize the prohibition against bias-based profiling issues, including the legal aspects and consequences of such activity, and stress the need for each officer to respect the rights of all citizens to be free from unreasonable governmental intrusion and police action.

### **3-6.3 SUPERVISOR RESPONSIBILITY**

Supervisors shall review bias-based profiling complaints and periodically review a sample of in-car videotapes of traffic stops, when equipped. Refer to General Order 17-5.4 (Use of Audio and Video Recordings). [DS 1] Supervisors shall take appropriate corrective measures whenever it appears that this policy has been violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads. [CALEA 1.2.9 c CFA 17.13] [DS 1]

### **3-6.4 COMPLAINTS OF BIASED-BASED PROFILING**

- A. Any person may file a complaint with the Department 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 bias-based profiling. 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. [DS 1]
- B. Any member of the Department who is contacted by a citizen wishing to file a complaint of bias-based profiling shall notify their immediate supervisor of the complaint. [DS 1] The supervisor shall follow departmental policy as set forth in General Order 11-1 "Internal Affairs/Citizen Complaints." [DS 1] The supervisor should take a tape-recorded statement if possible and report the contact to the subject member's supervisor, in person or via e-mail, prior to the end of the shift.
- C. The supervisor who initially receives a complaint of bias-based profiling shall forward the complaint to the Internal Affairs Section. [DS 1] All such complaints shall be reviewed and acknowledged in writing in accordance with Internal Affairs procedures. [DS 1]
- D. Violations of this policy, or portions thereof, shall result in remedial training and/or disciplinary action. [CALEA 1.2.9 c]

### **3-6.5 TRAFFIC STOP DEMOGRAPHICS TRACKING**

- A. Demographic data related to traffic stops will be collected in the following manner:
  - 1. Demographic Tracking Data will be tracked for Traffic Stops. Traffic Stops will include any vehicle (car, bicycle, CMV, Golf Cart, etc.) [DS 1]
  - 2. Clearance codes will be given for every stop regardless of whether an arrest, citation, written or verbal warning, etc., is given. [DS 1]
  - 3. Demographic data will be completed in the required order below to

ensure data is accurately captured. [DS 0]

4. For officer safety this is **POST INCIDENT** reporting and shall not be uploaded in CAD during an incident unless multiple units are on scene. [DS 0]
  5. Field Units will enter data whenever possible on the MDT with exception of Motor Unit(s) who will at this time have to voice their data. [DS 0]
  6. If multiple outcomes occur, the officer will use the clearance code with the highest classification (Ex. – Misdemeanor vs. UTC or Felony vs. Misdemeanor). [DS 0]
  7. Reporting data is on Driver only, unless a passenger triggered the stop and is able to receive a citation, etc. [DS 0]
  8. The clearance "ARREST" will only be for physical arrests or those released with an NTA for a non-traffic criminal charge, such as possession of cannabis, ROWOV, etc. Criminal UTC's will be tracked as UTC unless subject is arrested and transported for that charge.
  9. If ARS or Air Cards go down and the program is not responding, then the DT data will be voiced as described below.
  10. Disposition will be in the following string/sequence:
    - a. Race
    - b. Sex
    - c. Residency
    - d. Stop Reason
    - e. Stop Outcome
    - f. Search Reason
    - g. Search Result
- B. Instructions for clearing the call via CAD.
1. Field units that are assigned an MDT are responsible for entering the demographic data they collect on self-initiated traffic stops. [DS 1]
  2. Participating field units that are not assigned an MDT will relay the demographic information to communications for entry in to CAD via police radio. [DS 1]
  3. Data **MUST** be entered prior to advising 10-98/closing the call out on the radio or MDT. [DS 1]
- C. Instructions for clearing the call via radio for non-MDT users. Once the Officer/Unit is ready to clear the traffic stop the unit will clear in the following manner:

1. "10-98 (UTC, Verbal, Written Warning, etc); 10-65 DT info"
2. Once acknowledged by Comm Center, the unit will phonetically clear the call with the data.
  - a. Example - WMRMUNN (Whiskey, Mike, Romeo, Mike, Uniform, November, November) This stands for white male, resident, moving infraction, UTC issued, no search, nothing found.
3. Comm Center will acknowledge with 10-4 or 10-26.

### **3-6.6 AGENCY REVIEW**

The OIC for the Office of Professional Standards shall ensure a documented annual administrative review of agency practices, including citizen concerns, involving bias-based profiling, to include areas of forfeitures, traffic stops, and searches and seizures. [DS 0] This review will be a part of the Office of Professional Standards' annual report, which is due by March 1. The review shall include findings as to whether the complaint was sustained, not sustained, exonerated, unfounded, policy failure, or "other." This summary will be used to identify training and/or policy needs. [CALEA 1.2.9 c, CFA 2.06]

### **3-6.7 COMMUNITY EDUCATION AND AWARENESS** [CFA 2.06 D]

- A. Members of the Department who appear in public should attempt to educate citizens regarding the Department's prohibition against bias-based profiling. Department brochures and literature, to the extent practical, should contain a statement indicating that the department practices "bias-free policing."
- B. To further promote community education and awareness, G.O. 3-6 should be made available via the Department's website.

BY ORDER OF:



RUBEN GARCIA  
CHIEF OF POLICE

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