

536.1 **BIAS-BASED PROFILING:**

- I. **PURPOSE:** This policy statement is to ensure that employees of the Tampa Police Department fully understand the department philosophy regarding the issue of profiling and the exercise of law enforcement authority on the basis of impermissible criteria.

- II. **DISCUSSION:** Traffic stops, field contacts, proactive patrols and other enforcement efforts are vital and necessary law enforcement activities to deter criminal activity and provide a safe, peaceful environment for all citizens. Such activities should be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment.

The Tampa Police Department is committed to fair treatment of all members of the community. Trust between members of the community and our officers will further the department's mission to provide police services that are fair, unbiased, judicious, and respectful of the dignity of all individuals.

To that end, race, ethnic origin, gender, age, economic status, or sexual orientation of an individual are not to be independent factors or reasons for any action by any member of this department.

III. **DEFINITIONS:**

- A. **Enforcement Action:** Includes but is not limited to: vehicle stops, stop and frisks, search and seizures, street checks, field interviews, the application and/or use of force, and the initiation of forfeiture proceedings.

- B. **Identification Criteria:** Physical characteristics used to describe or identify a particular individual. The use of race, ethnic origin, gender, age, or any other physical characteristic to describe or to identify a particular individual is not profiling.

- C. **Police Authority:** Any use of authority as a law enforcement officer to stop, question, detain, or arrest an individual.

- D. **Bias-Based Profiling:** The selection or disparate treatment of an individual based solely or partially on an individual's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable characteristic except when any of the above are elements of a suspected offense.

- E. **Reasonable Suspicion:** Suspicion based upon 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 person under suspicion. This can be

based on the observation of an officer combined with his or her training and experience, and /or reliable information received from credible sources.

IV. POLICY:

- A. The Tampa Police Department does not practice, nor will it condone or tolerate, the practice of profiling by any of its members. Officers are reminded that the stopping, detention, or seizure of any member of the public must be based on reasonable and articulable facts. These facts, when viewed through the eyes of a trained and experienced law enforcement officer must be sufficient to cause him/her to believe that criminal activity or civil violations have occurred, or are about to occur, without regard for the race, ethnic origin, gender, age (except when gender or age is an element of the offense), economic status, or sexual orientation.
- B. To this end, all police activities must be based solely on facts, which can be articulated, based on the law and department policy.
- C. Profiling, as defined in this policy, shall not be a factor in determining probable cause or as part of any articulable statements of facts, leading to enforcement action and therefore is strictly prohibited.
- D. While profiling is strictly prohibited, the use of identification criteria remains an essential element of effective law enforcement. An officer who stops an individual because, or partially because, the individual's race is different from the race of the majority of residents in the area in which the individual is found is engaging in profiling. An officer who stops an individual because the individual's race, along with other investigative circumstances are consistent with that of a particular suspect in a particular crime, is properly using identification criteria.

V. TRAINING:

- A. All officers shall receive training on a biennial basis.
- B. All complaints of alleged profiling will be referred to the Professional Standards Bureau. When these incidents become public record, the information will be forwarded to the accreditation coordinator, who will conduct a review of agency practices including citizen concerns to be submitted to the chief of police and to the attention of the PSB commander for investigation. Employees found to have engaged in profiling, will receive corrective action ranging from training through discipline, based on incident facts and disciplinary history.
- C. All officers should be familiar with and understand the policy and be prepared to educate members of the public who may raise the issue.

VI. ANNUAL REVIEW:

The Professional Standards Bureau shall conduct an annual administrative review of bias-based profiling complaints. The review shall summarize any profiling complaints, including the finding as to whether they were sustained, unfounded, not sustained, or exonerated due to policy failure.

Supersedes SOP 536.1, dated 4/14.