

536.1 **BIAS-BASED POLICING**

- I. **PURPOSE:** The purpose of this policy statement is to ensure that employees of the Tampa Police Department fully understand the department philosophy regarding the issue of biased based policing and the exercise of law enforcement authority in accordance with Florida Statutes.
- 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, color, religion, national origin, sex, sexual orientation, gender identity or expression, age, disability, familial status or marital status 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 biased profiling.
 - C. **Police Authority:** Any use of authority as a law enforcement officer to stop, question, detain, or arrest an individual.
 - D. **Bias-Based Policing:** The inappropriate consideration of specified characteristics while enforcing the law and providing police services. Specified characteristics includes, but is not limited to, race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, political status, or any other legally protected characteristics.

- 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 biased-based policing by any of its officers. 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. Biased-Based Policing, 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 biased-based policing 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 biased-based policing. 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 sworn members shall receive training in fair and impartial policing, to include legal aspects in accordance with Florida state statutes, once every four years.
- B. All complaints of alleged biased-based policing will be referred to the Professional Standards Bureau. Employees found to have engaged in biased-based policing will

receive corrective action ranging from training through discipline based on incident facts and disciplinary history.

All officers should be familiar with and understand the policy and be prepared to educate members of the public who may raise the issue. The department provides education and awareness efforts through community outreach and public forums. Additionally, the department's website offers additional resources to provide information on transparency, such as the department's annual report, calls for service, traffic stop data, etc.

VI. ANNUAL REVIEW:

The Professional Standards Bureau shall conduct an annual administrative review on traffic stop procedures related to fair and impartial policing. This should include a review of the traffic stop statistical data, review of Body Worn Camera (BWC) video and findings from the monthly quality assurance report. The review should indicate whether policy, training, equipment, or disciplinary issues should be addressed based on the findings of the review. The review shall summarize any biased-based policing complaints, including the finding as to the disposition and findings. The review will be provided to the Chief. If it is determined that an investigation is needed into any matters identified during the review, the Chief will order an investigation to be opened by the Professional Standards Bureau pursuant to SOP 651.

Supersedes SOP 536.1, dated 3/24.