

	<h1>HOLLYWOOD POLICE DEPARTMENT</h1>	<h2>SOP #121</h2>
<h3>UNBIASED POLICING</h3>		
<b>ORIGINATION DATE: 01/01/2003</b>	<b>REVISED DATE: 12/30/2019</b>	
<b>APPROVED: CHIEF OF POLICE, CHRIS O' BRIEN</b> 		

**PURPOSE:** The purpose of this policy is to affirm the Hollywood Police Department's commitment to Unbiased Policing and to reinforce procedures that serve to maintain public confidence by providing service and enforcing laws in a fair and equitable manner in compliance with [166.0493 f.s.](#)

**SCOPE:** This SOP applies to all Members of the Department.

**POLICY:** It is the policy of the Hollywood Police Department to prohibit biased policing in all Police initiated actions. These include all arrests, traffic contacts, field contacts, searches and seizures, and any asset seizures and forfeiture efforts. Officers' actions will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions, which support reasonable suspicion for an investigative detention or traffic stop, or probable cause for arrest. Officers shall not consider race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, or political status in establishing either reasonable suspicion, probable cause, or as a basis for requesting consent to search.

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**PROCEDURE:**

**I. EDUCATION PROGRAMS**

**A. Training Department Members:**

Training programs will be designed to emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action. Initial and annual training programs will incorporate Fair and Impartial Policing issues including legal aspects in accordance with Florida Statutes; [943.1716 f.s.](#), [943.1758 f.s.](#)

All newly hired Officers will be provided initial training during their orientation.

**B. Community Education:**

The Department will inform the public of its Policy statement from this SOP against Biased Policing. This Policy statement will be posted on the Department web site, and in an area having public access located at The Hollywood Neighborhood Network Center and at each Police Substation. A copy of this policy will be made readily available to any person requesting it at no cost to the requesting party.

**II. DETENTION OF PERSON(S)**

**A.** Persons will only be subject to detention upon reasonable suspicion that they have committed, are committing, or are about to commit a violation of law. Detention may be based on an Officer's observations combined with his/her training and experience, and/or information from reliable sources.

**B.** No motorist or pedestrian, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity or other legal or factual basis for detention. No person or vehicle will be searched in the absence of a search or arrest warrant, a legally recognized exception to the warrant requirement, or a person's voluntary consent.

**III. RECORDING INFORMATION:**

**A.** Traffic and pedestrian stop procedures will be followed as outlined in **SOP #220 Radio Communications, Section II, Circumstances Requiring Radio Communications, G., and Traffic Stops.**

**B.** Any violations of [316.614 f.s.](#) Florida's Safety Belt Usage Law, requires Law Enforcement Officers to document the race and ethnicity of the violator directly on the citation.

**1.** The race of the violator is based on observed physical characteristics. An estimate should be based on apparent ancestry and limited to White, Black, American Indian, Alaskan, Asian, or Unknown.

**2.** The ethnicity of the violator is an estimate, based on physical characteristics, language, and/or name, of a person's cultural affiliation with countries in Central or South America, or the Caribbean Islands. An estimate should be limited to Hispanic or Latino or Not Hispanic or Not Latino.

**C.** Officers will use their best judgment to determine race and ethnicity. If an Officer is unsure of the race, color, ethnicity, or gender of a person stopped, the Officer will not risk offending that individual by asking the person to identify that characteristic except in an instance in which that characteristic is necessary to the investigation.

**D.** The Police Department will document and compile race and ethnicity statistics for all citations issued for Safety Belt violations. The required data will be recorded on a Safety Belt Violation Data Collection Form (see **Appendix A**) and submitted on a quarterly basis to the Department of Highway Safety and Motor Vehicles.

#### **IV. COMPLAINT PROCEDURE**

A complaint may be filed with the Department if the affected party believes they may have been detained or searched based on race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, or political status. No person will be discouraged or in any way prevented from filing such a complaint, or retaliated against because they have filed a complaint.

##### **A. Officer Receiving a Complaint:**

If a citizen believes they were stopped or searched based on any legally protected characteristic and contacts a Department Member requesting to make a complaint, the Member will immediately contact any On-Duty Supervisor.

##### **B. Supervisor Receiving Complaint:**

Any Supervisor receiving such a complaint will refer to “**SOP 104.1 Complaint Process, Section III. Complaint Processing and Supervisor Duties**”.

If a Biased Policing complaint is sustained against a Member, it will result in corrective measures and/or disciplinary action as outlined in **SOP 104.1, Complaint Process and SOP #105 Discipline Policy**.

##### **C. Internal Affairs Responsibilities:**

The Internal Affairs Unit will be responsible for reviewing the following and being particularly alert to any pattern of potentially discriminatory treatment by an individual Officer or Squad.

1. All Biased Policing complaints.
2. In-vehicle video tapes of traffic stops, if applicable.
3. Reports filed by Officers relating to detentions.

##### **D. Corrective Action:**

Whenever it appears that an unlawful practice is occurring either through review or sustained complaints, the results will be sent to the Chief of Police for appropriate corrective/disciplinary action.

##### **E. Administrative Review:**

By the fourth quarter of each year, the Internal Affairs Unit will conduct an annual administrative review of Agency practices concerning Fair and Impartial Policing, to include arrests, traffic contacts, field contacts, searches and seizures, and any asset seizure and forfeiture efforts . A report of the findings will be sent to the Chief of Police for review and a copy forwarded to the Accreditation Unit.

#### **V. DEFINITIONS:**

##### **A. Biased Policing:**

The inappropriate consideration of specified characteristics when enforcing the law or providing police services. Specific 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.

##### **B. Fair and Impartial Treatment:**

Persons, irrespective of race or other distinctions, are treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities injury, illness, or similar conditions, or when information about them necessitates different treatment.

**C. Specific Characteristics:**

Includes but is not limited to, race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socioeconomic status, age, disability, or political status, or any other legally protected characteristics

**D. Police Services:**

Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public.

These include, but are not limited to, such tasks as assistance at fire scenes, traffic accidents, and medical emergencies; lifesaving services; crime prevention; preventive patrol; traffic control; public information; education; and similar activities.

**ATTACHMENTS:**

- **Appendix A:** Data Collection Form