

# MANATEE COUNTY SHERIFF'S OFFICE GENERAL ORDER NUMBER 4018 – BIAS POLICING

This General Order rescinds General Order 4018 dated March 22, 2018 any other General Order dealing with these issues.

Effective Date: February 03, 2020

To: All Personnel

1.0 PURPOSE - The purpose of this General Order is to advise all agency personnel that all activities, including but not limited to, traffic contacts, field contacts, searches and seizures, and asset seizure/forfeiture, that are the result of any type of biased policing are not acceptable, not condoned, and will not be tolerated by the Manatee County Sheriff's Office. Biased policing damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in law enforcement, the courts, and criminal law. Additionally, all inmates shall be treated with respect and dignity and classification, assignments, and privileges shall not be assigned or denied as a result of bias policing. This order will provide guidelines for deputies to prevent such occurrences and to protect our personnel, when they act within the dictates of the law and agency policy, from false accusations. <CALEA 1.2.9M> <CFA 2.06M>

1.1 POLICY - It is the policy of the Manatee County Sheriff's Office to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the laws. Members of this agency will focus on the conduct of the person or other specific information for any investigatory contacts. Deputies must have reasonable suspicion supported by specific articulable facts that the person being stopped or detained has or is about to commit a crime or is currently presenting a threat to the safety of themselves or others.

1.1.1 The Manatee County Sheriff's Office respects the dignity and rights of all persons and will protect the fundamental rights of all citizens to equal protection under the law and to be free from unreasonable searches and seizures, as provided by the Constitution of the United States.

1.2 DEFINITIONS <CFA 2.06M (c)>

1.2.1 Bias Based Policing - The selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

1.2.2 Evidence Based Policing - Information about previous criminal acts that indicate certain patterns of activity and characteristics of individuals who have committed crimes. The patterns comprise evidence-based profiles of persons who may commit the crimes in the future.

1.2.3 Reasonable Suspicion - Suspicion that is more than a mere hunch, but 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 about to be committed, or is in the process of being committed by the person or persons under suspicion. This information can be based on observations, training and experience, and/or information received from credible outside sources.

1.2.4 Enforcement Activities - Activities, both on and off-duty, undertaken by MCSO personnel that arise from their authority related to employment, oath of office, state statute, federal law, or county ordinance. Activities including, but not limited to, traffic stops, field interviews, arrests, investigations,

asset seizure and forfeiture, and general law enforcement contact with the public are included.

## 2.0 PROCEDURES

### 2.1 TRAFFIC AND FIELD CONTACTS <CFA 2.06M (a)>

2.1.1 Traffic and field contacts shall be in accordance with General Orders 4010 Traffic, 4005 Patrol Investigations, and 1027 Arrest Procedures and additional in-service training received. A suggested basic interpersonal communication protocol is as follows:

2.1.1.1 Greet the person contacted in a respectful manner and identify yourself.

2.1.1.2 State the reason for the traffic stop or temporary detention, focusing on the actions of the vehicle or circumstances rather than personalizing the violation.

2.1.1.3 Ask the person if there was a reason for the violation, giving them the opportunity to establish dialogue.

2.1.1.4 Politely ask for identification and any required documents.

2.1.1.5 Inform the individual as to what action is being taken and what, if anything, the person must do as a result of the enforcement action.

2.1.1.6 Give a professional closing statement to end the contact. Refrain from using trite or colloquial expressions ("Have a nice day").

2.1.1.7 If appropriate, assist the driver in merging safely back into the traffic flow.

2.1.2 Appropriate enforcement action should always be completed and documented, generally in the form of a written warning, correction card, citation, field interrogation card, or an arrest.

2.1.3 When enforcement action is taken, the appropriate agency documentation will be completed.

2.1.3.1 All enforcement action documentation will include the gender and race or ethnicity of the person stopped or contacted, if this information can reasonably be ascertained by the physical appearance or from the driver's license or other documents provided by the individual.

2.1.3.2 Statistical data regarding individual stops is captured electronically. Annually, a statistical report is generated by the Enforcement Bureau and provided to the Captain of Professional Standards.

2.1.3.3 As mandated by FSS 316.614, Florida's Safety Belt Law, enforcement officers that issue citations for violation of this section must record the race and ethnicity of the violator.

2.1.3.3.1 Statistical data regarding safety belt violations is also captured electronically. Quarterly, a statistical report is generated by the Enforcement Bureau and provided to the Captain of Professional Standards.

2.1.4 No individual, once cited or warned, will be detained beyond the point where there exists no

reasonable suspicion of further criminal activity.

2.1.5 No person or vehicle will be searched in the absence of a search warrant, or a legally recognized exception to the search warrant requirement, or the person's voluntary consent.

2.1.5.1 Use of the Consent to Search form is recommended.

2.1.6 If the MCSO vehicle is equipped with a video camera, the video and sound will be activated prior to the traffic stop or citizen encounter, to record the behavior of the vehicle or the person. The video recorder will remain activated until the person and / or vehicle is released.

2.1.7 In the absence of a specific, credible report containing a physical or vehicle description, a person's race, ethnicity, gender, or a combination of these will not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

2.1.7.1 When deputies are seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, national origin, religion, gender, or age, they may rely in part on race, color, ethnicity, national origin, religion, gender, or race only in combination with other appropriate identifying factors and may not give race, ethnicity, national origin, religion, gender, or age undue weight.

2.1.8 The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited, and is cause for disciplinary action up to and including termination of employment.

## 2.2 INVESTIGATIONS

2.2.1 Profiling, in and of itself, can be a useful tool to assist law enforcement personnel in carrying out their duties, to include the investigation of criminal activity and subsequent arrest, as well as asset seizure and forfeiture efforts. Bias based policing; however, is the selection of individuals based solely on a common trait of a group as defined in this order.

2.2.2 The Manatee County Sheriff's Office does not condone and will not allow the use of biased policing in its enforcement programs, to include investigations both instant and on-going, as well as subsequent arrest and asset seizure and forfeiture.

2.2.3 Manatee County Sheriff's Office personnel will focus on a person's conduct or other specific suspect information supported by articulated facts which indicate that the person is, has, or is about to commit a crime, or is presenting a threat to the safety of themselves or others.

2.2.4 All official agency investigations will be carried out in accordance with established policies.

## 3.0 BIASED POLICING COMPLAINTS

3.1 PROCESS - Any person may file a complaint with this agency if they feel that they have been stopped, detained, or searched based solely on a biased profile.

3.1.1 No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

3.1.2 Any Manatee County Sheriff's Office employee contacted by a person who wishes to file such a complaint will initiate an Allegation of Employee Misconduct (MCSO FM 87-008) Form and proceed as outlined in General Order 1019 Professional Standards.

3.1.3 All complaints of bias policing, upon conclusion, will be forwarded to the Sheriff and will contain findings, suggestions for disciplinary action, or changes in policy, training, or tactics.

3.1.4 Dependent on the findings of each complaint, as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. <CALEA 1.2.9M (c)> <CFA 2.06M (b)>

3.1.4.1 Corrective measures may include, but are not limited to, training, counseling, policy review, and discipline up to and including termination of employment.

#### 4.0 ANNUAL REVIEW <CALEA 1.2.9M (d)> <CFA 2.06M (e)>

#### 4.1 PROCEDURES

4.1.1 Annually, in January, the Captain of the Professional Standards Division will compile a statistical summary total of all bias policing complaints that were received by the agency in the previous calendar year. This compilation should reflect any corrective measures taken such as whether the complaint was sustained, sustained in part, not sustained, unfounded, or exonerated.

4.1.1.1 Supplemental statistical data may be obtained from a variety of sources, such as, District Secretary reports, CAD system, Records system, MPS/IFR logs, FCIC/NCIC inquiry logs, and individual Deputy Daily Reports.

4.1.2 This statistical summary will be used in an annual administrative review of these complaints, which will take into account a review of agency policy and procedures, training, citizen concerns, and any other pertinent data.

4.1.2.1 This statistical summary will be made a part of the annual summary of Professional Standards and will be available to the public.

4.1.2.1.1 If any portion of this review of citizen complaints or statistical information reveals a problem, either real or perceived, within any portion of the community regarding bias policing or citizen/agency discrimination or inattention, the Captain of the Professional Standards Division shall contact the Administrative Bureau Support Division Commander. <CFA 2.06M (f)>

4.1.2.1.1.1 The Administrative Bureau Support Division Captain, the Professional Standards Division Captain, and the Crime Prevention Lieutenant will meet and develop a community education program based on the concerns identified.

4.1.2.1.1.2 Crime Prevention will present this program as needed.

4.1.3 Annually, in January, the Captain of Professional Standards Division shall compile a statistical summary report of citizen contact by traffic and field stops by this agency in the previous calendar year. <CALEA 1.2.9M (d)>

4.1.3.1 This statistical report shall be used in an annual administrative review of the data, which will take into account a review of agency policy and procedures, training, citizen concerns, and any other pertinent data.

4.1.3.2 This statistical report shall be made part of the annual summary of the Professional Standards Division, which is available to the public.

4.1.3.3 If any portion of this review of citizen contact by traffic and field stops reveals a problem, either real or perceived, within any portion of the community regarding bias policing or citizen/agency discrimination or inattention, the Captain of the Professional Standards Division shall contact the Support Division Commander, Administrative Bureau.

4.1.3.3.1 The Administrative Bureau Support Division Captain, the Professional Standards Division Captain, and the Crime Prevention Lieutenant shall meet and develop a community education program based on the concerns identified.

4.1.3.3.2 Crime Prevention will present this program as needed.

4.1.3.3.3 If any portion of the above review indicates that a training issue for MCSO personnel exists, the same group will develop an in-service training program to address the problem.

4.1.4 Quarterly, in January, April, July, and October, as mandated by FSS 316.614 (Florida's Safety Belt Law), the Enforcement Bureau Chief shall submit to DHSMV, through the Driver and Vehicle Information Database (DAVID), the agency's compiled information on the race and ethnicity of violators that have been issued citations for a violation of this stature.

## 5.0 SUPERVISOR RESPONSIBILITIES

5.1 GUIDELINES - The appropriate chain of command shall be appraised of all biased policing complaints involving personnel under their command.

5.1.1 It is the responsibility of the Lieutenant(s) and Sergeant(s) to monitor the activities of their personnel and to identify potential biased policing activity.

5.1.1.1 Periodic review of a sampling of in-car video of traffic stops and citizen contacts, as well as reports generated as a result of these incidents and activities should be performed.

5.1.1.2 Lieutenants and Sergeants shall respond at random to back-up deputies on calls or traffic stops.

5.1.1.3 All supervisors shall be particularly alert to potential patterns and practices of their personnel or squads that may indicate policing and treatment of individuals.

5.1.2 Supervisors will take appropriate action whenever it appears that this policy is being violated.

5.1.2.1 There is no legal basis for enforcement action when bias policing exists. A profile is technically invalid if it could describe a large percentage of law-abiding persons. If the profile is technically invalid, it cannot be a legally defensible basis for an investigatory stop and/or arrest and is therefore illegal.

5.1.2.2 An illegal detention or arrest can result in:

5.1.2.2.1 The deputy being liable in both civil and criminal proceedings.

5.1.2.2.2 The deputy being subject to disciplinary action.

5.1.2.2.3 Exclusion, at all court proceedings, of all evidence that has been collected/observed pursuant to the stop/arrest.

## 6.0 TRAINING <CALEA 1.2.9M (b)> <CFA 2.06M (a)>

### 6.1 AGENCY TRAINING

6.1.1 The Criminal Justice Standards and Training Commission (CJSTC) is mandated by statute to revise standards and training for basic recruits and requirements for continued employment by integrating instructions on interpersonal skills relating to diverse populations into the criminal justice standards and training curriculum. This curriculum shall include standardized proficiency instruction relating to high-risk and critical tasks which include stops, use of force and domination, and other areas of interaction between law enforcement and members of diverse populations.

6.1.1.1 The MCSO shall utilize these standardized instructions plans, culturally sensitive lesson plans, up-to-date videos, and other demonstrative aids developed for use in diverse population-related training and conform to all training standards mandated by the CJSTC.

6.1.1.2 Topics for inclusion in initial and annual training may include, but not be limited to, proactive enforcement tactics, search issues, legal issues related to biased policing, field contacts, traffic stops, laws governing search issues, asset seizure and forfeiture, interview techniques, discrimination, community support, and cultural diversity.

6.1.1.3 Refresher training will be provided to all agency employees annually through PowerDMS.  
<CALEA 1.2.9M (b)>

6.1.1.4 Newly hired members will be introduced to biased policing issues and trained in the content of this General Order during the FTEP and/or agency specifics, and at new employee orientation.

**Approved for Issue – Charles R. Wells, Sheriff**



**Charles R. Wells, Sheriff  
Manatee County, Florida**