| 3392.00 NASSAU COUNTY SHERIFF'S OFFICE | | Reference: |
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| BIAS POLICING | | |
| Effective date: 7/21/06 | Last revision: 3/19/10; 3/5/13; 1/23/17; 6/28/22 | |

## 3392.00 BIASED BASED POLICING

### PURPOSE

The purpose of this Written Directive is to prohibit members of the Nassau County Sheriff's Office from engaging in bias-based policing, to provide guidelines for members to prevent such occurrences, and to protect members from unwarranted accusations when they act within the law and policy that outlines Bias-Based Policing.

### DISCUSSION

A. A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive the streets, highways, and other public places without law enforcement interference so long as they obey the law. The Nassau County Sheriff's Office is charged with protecting these rights for everyone, regardless of race, color, ethnicity, gender, sexual orientation, physical handicap, religion, or other belief system.

B. At the same time, because of the nature of law enforcement, agency members are required to be observant, to identify unusual occurrences and law violations, and to act upon them. This Directive is intended to assist agency members in accomplishing this mission in a manner that respects the dignity of all persons, yet does not hamper the effective and equal enforcement of state, local, or federal laws.

C. The Sheriff's Office does not condone the use of any bias-based policing in its enforcement programs, including, but not limited to, traffic stops, field contacts, searches and seizures, and asset seizure and forfeiture. Therefore, Sheriff's Office members are prohibited from engaging bias-based policing.

D. Bias-based policing often leads to allegations of violations of the constitutional rights of the citizens served by the agency, and may lead to claims of civil rights violations. It also undermines legitimate law enforcement efforts, alienates citizens, fosters distrust of law enforcement by the community, and invites media scrutiny, legislative action, and judicial intervention.

## 3392.10 DEFINITIONS

A. Bias-based policing**:** The selection, detention, interdiction, or other unnecessary treatment of individuals based solely on a common trait of a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

B. Reasonable Suspicion – Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of facts that can be articulated 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 persons under suspicion. This can be based on the observations of a law enforcement officer combined with his or her training and experience, and/or reliable information received from credible outside sources.

## 3392.20 PROCEDURE

### Enforcement and Training Requirements

A. Members must focus on a person's conduct or other specific suspect information. Motorists and pedestrians shall only be subjected to traffic stops, detention, and seizures based upon reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity, or location, has been, is, or is about to commit a crime, or is currently presenting a threat to the safety of themselves or others.

This is not intended to prevent a law enforcement deputy from engaging in a consensual encounter with a citizen, which includes a consensual search, but in such situations, the member must use great care not to use any bias-based criteria as the basis for the encounter.

B. 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.

C. In the absence of specific and credible information containing a physical description, a person's race, color, ethnicity, gender, sexual orientation, physical handicap, or any combination of these shall not be a factor in determining probable cause for an arrest, or reasonable suspicion for a traffic stop, detention, search, or seizure.

D. The deliberate recording of any false or misleading information related to the actual or perceived race, ethnic background, gender, sexual orientation, religion, economic status, age, or physical handicap of any person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action.

E. All deputies or other agency members who engage in enforcement activities shall be trained in bias-based policing issues including the legal aspects of field contacts, traffic stops, search issues, asset seizure and forfeiture, as well as discrimination. This training shall be included in the in-service training program in accordance with CJSTC guidelines.

**Traffic Stops**

A. All traffic stop procedures as established in SOP 301-PTL and 302-PTL shall be followed by members when conducting traffic enforcement activities.

B. The deputy issuing a citation or warning should document the race and sex of the person they are issuing a warning or citation to.

C. No motorist, once cited or warned, shall be detained beyond the point where there no longer exists reasonable suspicion of further criminal activity.

D. If an agency vehicle is equipped with in-car video recording equipment all procedures established by Operations Directive 4035.00 shall be followed by the member.

## 3392.30 COMPLAINTS OF BIAS BASED POLICING

A. Any person may file a complaint with the NCSO if they feel they have been stopped or searched on bias based policing, and no person shall be discouraged, intimidated,

or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

B. Any officer contacted by a person who wishes to file such a complaint, shall contact a supervisor who will provide the citizen with a copy of a citizen compliment/complaint form, which may be mailed or delivered in person to the Sheriff.

C. All such complaints shall be reviewed, and assigned if necessary for investigation. Investigations shall be conducted in strict compliance with Florida Statutes 112.532 - 112.535. The complaint will be acknowledged to the complainant in writing, and the complainant shall be informed of the results of the NCSO investigation upon its completion.

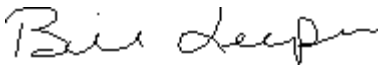
D. If an employee is found to be in violation of this policy, corrective measures shall be taken to ensure that Bias Based Policing does not occur. Those corrective measures shall be in accordance with the Directive on Disciplinary Procedures.

E. Supervisors shall at random back up deputies on vehicle stops, and shall take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual deputies or shifts.

F. This Directive will be posted on the Nassau County Sheriff's Office web site as part of our "Community First" awareness and education initiative.

G. An annual administrative review of the agency's bias-based practices, including but not limited to traffic stops, will be conducted at the end of each calendar year by a designee of the Sheriff. The results of this review shall be forwarded to the Sheriff for his review.

**ISSUING AUTHORITY:**



**Bill Leeper, Sheriff**

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