

**Ocala Police Department
Department Directive**

Heading:	General Operations
Category:	Police-Citizen Encounters
Department Directive:	7.25
Index:	Enforcement and Bias-Based Profiling, Criminal Profiling, Stop and Frisk, Police-Citizen Encounters
Effective:	08/09/06
Revised:	04/04/16
Reviewed:	07/03/16
CFA Standard:	2.08

Purpose:

The purpose of this policy is to identify the circumstances and legalities of police-citizen encounters, and to identify the Department's stance against bias-based profiling. This policy also provides guidelines not only for officers to prevent bias-based encounters or incidents, but also to protect officers from unwarranted accusations when acting within the dictates of the law, this policy, and other Department directives.

Policy:

It is the policy of the Ocala Police Department to protect the Constitutional rights of all people, regardless of race, color, ethnicity, gender, sexual orientation, physical handicap, religion or other belief system or physical characteristic; and to treat each person with respect and dignity. While contacting persons in a variety of situations is not only routine, but also relevant to law enforcement activities, the Department will not accept or tolerate bias-based profiling.

Discussion:

Law enforcement officers are required to use skills developed through observation, training and experience in order to identify suspicious circumstances, unusual occurrences and violations of law, and to act according to the situation. This proactive approach aids in the detection and apprehension of criminals, maintains the safety of our streets and highways, and protects our citizens and community from crime.

However, discriminatory enforcement practices can alienate our citizens, foster distrust of police in the community, invite media scrutiny, legislative action and judicial intervention, and potentially lead to allegations of constitutional and civil rights violations. As we perform our duties, officers are reminded that we have sworn an oath to support, protect and defend the Constitution of the United States and of the State of Florida, thus it is imperative that we afford all citizens the Constitutional and fundamental right to equal protection under the law.

While criminal profiling is an accepted and necessary law enforcement investigative practice, it differs from and should not be confused with bias-based profiling. One is an investigative tool, the other, a discriminatory practice.

A. Definitions:

1. **Criminal Profiling:** The identification of a person or group of people by gender, age, race, and/or other characteristics, which is intended to identify a particular type of perpetrator, thereby narrowing the field of potential suspects in major criminal investigations. The profile is based on the scrutiny of a set of facts and factors common to specific (e.g., serial murder with a certain 'signature') or general (e.g., narcotics trafficking) criminal activity, and which is based on current and historical law enforcement investigative knowledge and experience.
2. **Bias-Based Profiling:** The act (intentional or unintentional) of applying or incorporating personal, societal, or organizational biases and/or stereotypes when making decisions and/or taking police action, which occurs when that decision or action is based solely on a person's race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristic, rather than on the behavior of the individual or the identification of the individual as being, having been, or about to be engaged in criminal activity.
3. **Reasonable Suspicion:** Reasonable Suspicion also known as articulable 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 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

B. Procedure: Sworn members will patrol proactively, and will investigate suspicious persons and circumstances, actively enforce criminal and motor vehicle laws, and stop or detain citizens in accordance with the law and within the guidelines of this policy.

1. **Police-Citizen Encounters:** Officers usually initiate contact with citizens to gather information, detect/prevent crime, and/or to apprehend suspected criminals. There are two main procedures involving citizen encounters (citizen contacts and 'stop and frisk') that all personnel must follow.
 - a. **Bias-Based Encounters Prohibited:** Members are prohibited from taking bias-based law enforcement action, such as contact, detention, asset seizure or interdiction, toward any person(s).
 - 1) Members shall accurately record when identifying, verbally and/or in writing, the actual or perceived race, ethnicity, or gender of a person stopped for investigative or enforcement purposes.
 - b. **Criminal Profiling:** Officers identify persons or groups of persons by gender, age, race, and/or other characteristics, which identify a particular type of perpetrator. Specific or general criminal activity based on current and historic law enforcement investigative knowledge and experience.
2. **Traffic Enforcement:** Members will conduct traffic enforcement activities pursuant to department policy – see Ocala Police Department Directive 4.04.
3. **Citizen Contacts:** The Community Policing philosophy encourages direct citizen contact with officers. In addition to gathering information to facilitate the performance of their duties, officers may approach any person who is on a public street or in a public area to engage in voluntary conversation. This type of police-citizen contact is different from, and not to be confused with, a 'Stop and Frisk', and shall be conducted as follows:

- a. The officer shall take care with his/her words and/or mannerisms so he/she does not give the impression that the citizen does not have the option to leave at will or that the contact otherwise constitutes a detention.
 - b. Absent facts to indicate otherwise, the citizen is under no obligation to speak with the officer.
 - c. A citizen who chooses to walk away may not be detained. In addition, running from an officer during a citizen contact is not, in and of itself, an offense for which the officer has cause to give chase.
 - d. Reasonable suspicion or probable cause may develop during the contact, at which time the officer should respond accordingly.
4. **Stop and Frisk:** Because the stopping and questioning of citizens is restrictive of their freedom, officers should articulate their reasons for such stops with enough explanation to justify the stop and/or frisk. Per statute and current applicable case law on the subject, an officer may only pat down the detained person if the officer can clearly articulate the reasonable suspicion or probable cause that led the officer to believe the subject was armed with a dangerous weapon and offers a threat to the safety of the officer or others. Said "search" or "frisk" may only be done to the extent necessary to disclose the presence of such a weapon. The frisk can be used to feel for any weapons and it essentially is a "pat-down" of the suspect. The officer can also pat-down a citizen's bag or container if that officer has a right to frisk the individual. A frisk can be conducted while the individual is in any number of positions. However, a frisk is not a full-blown search. It is only a self-protective procedure which is utilized to feel for weapons. Once a frisk is completed and the officer's fears have abated, the officer cannot continue to search the suspect.
 5. **Training:** The Training Division will facilitate initial and ongoing training in proactive enforcement tactics, to include training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, Stop and Frisk, and interpersonal communications skills and bias based profiling issues in accordance with the standards as established by the Florida Criminal Justice Standards and Training Council.
 6. **Supervisory Responsibility:** Supervisors shall periodically review a sampling of in-car video tapes of citizen contacts, traffic stops and review reports filed on stops, including, but not limited to traffic citations, written warnings, and field interrogation reports/use of force/arrests by officers/use of force incidents, and shall respond at random to officers on vehicle stops and calls for service.
 - a. Supervisors shall monitor field activity for the appearance or existence of any pattern or practice that could indicate discriminatory treatment by individual officers or squads.
 - b. Supervisors shall take appropriate action, from counseling to filing a formal complaint (depending upon the seriousness of the circumstances), whenever it appears that there may be or is a policy violation.
 7. **Complaints:** Persons who believe they have been stopped and/or searched as a result of bias-based profiling may file a complaint with the Department.
 - a. Personnel will adhere to complaint filing and investigation procedures as outlined in Ocala Police Department Directive 3.03.
 - b. No person shall be discouraged, intimidated, or coerced from filing a complaint, or discriminated against because they filed a complaint.
 - c. Investigative results shall contain findings and any suggestions for changes in policy, training, or tactics.
 8. **Citizen Awareness and Public Information Efforts:** The Department shall provide information to the public regarding its citizen contact and enforcement procedures and its bias-based profiling policy. The method of distribution shall be at the discretion of the Department, and may include:
 - a. Posting the policies and related information on the Department's website.
 - b. Involving the media through the development of feature stories, TV and/or radio shows, statistical review, or via other methods.
 - c. The distribution of information by other methods.
 9. **Review of Agency Practice**
 - a. Each year the Professional Standards Section will conduct an audit of all such complaints and forward their findings to the Chief of Police who will ensure corrective measures have been taken for violations.
 - b. The review shall include any concerns received during the period covered by the review.