



NORTH MIAMI POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES



FAIR AND IMPARTIAL POLICING 300.11

EFFECTIVE DATE: 08-09-23

APPROVED: _____

Chief of Police

SUPERSEDES: 06-05-20

CFA: 2.06

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I. PURPOSE

The purpose of this policy is to emphasize the North Miami Police Department's commitment to the fair and impartial treatment of all people. Fair and impartial policing enhances legitimate law enforcement efforts and promotes trust within the community. Biased policing by members of the Department is prohibited in accordance with F.S.S. 30.15 and 166.0493. Biased policing undermines legitimate law enforcement efforts, alienates community members and fosters community distrust.

II. POLICY

Persons having contact with members of this agency, whether during law enforcement or other police services, shall be treated in a fair, impartial, equitable and objective manner. Enforcement activities including, but not limited to, investigative detentions, traffic stops, arrests and searches and seizures of property, must be based on a standard of reasonable suspicion or probable cause as required by the 4th Amendment of the U.S. Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions, which support probable cause or reasonable suspicion, during **any** law enforcement action.

III. SCOPE

This policy applies to all members of the Department.

IV. DEFINITIONS

- A. **Biased Policing:** Discrimination in the performance of law enforcement duties or delivery of police services, based on personal prejudices or partiality of agency personnel toward classes of people based on specified characteristics.
- B. **Fair and Impartial Treatment:** Conduct of agency personnel wherein all people are treated in the same manner under the same or similar circumstances irrespective of specified characteristics.
- C. **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 of the public. These include, but are not limited to, such tasks as welfare checks; death notifications; public assistance to persons who may be lost, confused, or affected by mental or physical illness; traffic control; medical emergencies; lifesaving services; crime prevention; public information; and community engagement.
- D. **Specified Characteristics:** Real or perceived personal characteristics, to include but not limited to race, ethnic background, national origin, immigration status, gender, gender identity/expression, sexual orientation, religion, socioeconomic status, age, disability, or political affiliation.
- E. **Other language clarification:**
 - Should: Indicates a general or expected action, absent a rational basis for failing to conform.
 - Shall or Will: Indicates a mandatory action.

V. PROCEDURES

A. Fair and Impartial Treatment:

1. It is the policy of this Department to enforce the law and deliver police

services equally, fairly and without discrimination or bias toward any individual or group.

2. Agency personnel may only consider the specified characteristics when performing law enforcement duties or delivering police services when seeking one or more specific individuals who have been identified or described in part by any of the specified characteristics in relation to a particular unlawful incident, or to particular unlawful incidents or criminal patterns.
3. It is biased policing if an officer's decisions/actions are based on the fact that the individual's demographics (e.g., race, income) are different from the demographics of the majority of the residents in the area in which the individual is found.
4. Unless exigent circumstances exist, officers shall not engage in a law enforcement matter when it involves a family member, friend, relative, or other person with whom he or she has a personal relationship, such that the officer's objectivity may be, or may appear to be, compromised. In situations where the officer is personally involved, he or she will summon other officers for assistance.

B. Traffic Stops Procedures:

1. Law enforcement traffic stop procedures shall be fair and impartial and should focus on a person's conduct and not consider specific characteristics, unless those characteristics have been associated with a specific suspect of a crime or suspects associated with a pattern of incidents in a particular area.
2. In an effort to prevent inappropriate perceptions of biased policing, each officer shall do the following when conducting pedestrian and traffic stops: (Exceptions will be for felony stops or other clearly articulable reasons).
 - a. Always be courteous, polite and professional.
 - b. Prior to asking for identification (driver's license, registration, etc.), the officer will introduce him or herself to the citizen (providing name and the name of the Department), and state the reason for the stop, unless doing so will compromise the safety of the officer or any other person(s).
 - c. Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected infraction/offense, and that the citizen understands the purpose of reasonable delays.

- d. Answer any relevant questions the citizen may have, including explaining options for traffic citation disposition, if relevant.
 - e. Provide his or her name and badge number when requested.
 - f. Explain the circumstances, if it is determined that the reasonable suspicion was unfounded (i.e., after an investigatory stop).
- C. Pedestrians and/or motorists shall not be detained beyond the point where there exists no reasonable suspicion of criminal activity. Additionally, 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.

VI. ASSET SEIZURE

Asset seizure and forfeiture proceedings will only be initiated when the legal guidelines for such actions are met. No asset seizure or forfeiture will be initiated for any biased policing reason as defined in this policy.

VII. COMPLAINTS and CORRECTIVE MEASURES

A. Compliance:

1. Officers who witness or who are aware of instances of biased policing shall report the incident to a supervisor. Also, officers are required to intervene at the time the biased policing incident occurs.
2. Supervisors shall:
 - a. Ensure that all agency personnel in their command are familiar with the content of this policy and shall be alert and respond to indications that biased policing is occurring.
 - b. Respond to violations of this policy with discipline, training, counseling, or other remedial intervention as appropriate to the violation.
 - c. Ensure that those who report instances of biased policing are not subject to retaliation.
 - d. Supervisors shall periodically respond at random to back up officers on traffic stops, field contacts, and other law enforcement activities and shall take appropriate action whenever it appears that this policy is

being violated. If violations of this policy are witnessed, they will be documented and addressed immediately.

B. Complaints:

1. Any person may file a complaint with any Department supervisor if they feel they have been stopped, searched, or had assets seized and forfeited based on a biased reason.
2. The supervisor will take the complaint and forward the report to the Office of Professional Compliance for further action, pursuant to the procedures delineated in the Office of Professional Compliance Internal Investigations, Complaints, Commendations, Counseling, And Discipline policy, 300.06.
CFA 2.06B,F
3. If the complainant does not wish to meet with a shift supervisor, they shall be referred to the Office of Professional Compliance, or provided a Citizen Complaint form to complete and forward to the OPC, whichever they prefer. Complainants can also register complaints through the NMPD Website at <https://northmiamipolice.com>.
4. Information on biased-policing complaints and any additional relevant information shall be provided to the Chief of Police, or his/her designee, for administrative review, problem assessment, and development of appropriate officer-level and/or agency-level corrective actions.

VIII. TRAINING

Officers will receive training in fair and impartial policing, including legal aspects (in accordance with Florida State Statutes) and professional traffic stops during their academy training and again during orientation within the Department.

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Other sworn members will receive training annually and as part of their 40-hour mandatory retraining. Training will include fair and impartial policing and biased policing issues, including legal aspects, and will be in accordance with the Criminal Justice Standards & Training Commission guidelines.

IX. COMMUNITY EDUCATION and AWARENESS

The COPS Section will keep the community aware of the Department's engagement efforts. This may be achieved with the aid of several venues and activities, which may include, but are not limited to, the following: **CFA 2.06D**

- A. Department website;
- B. School presentations;
- C. Newspaper articles;
- D. Homeowners association and other approved meetings; and
- E. City and/or Department events.

X. ADMINISTRATIVE REVIEW

On an annual basis, the Office of Professional Compliance shall submit to the Chief of Police, or his/her designee, a documented annual administrative review of Traffic Stop Procedures related to fair and impartial policing and agency practices, as well as a summary of citizen concerns and any corrective measures taken.

CFA 2.06E, F