



# FLAGLER COUNTY SHERIFF'S OFFICE

## GENERAL ORDER

<b>Effective Date:</b> November 25, 2020	<input type="checkbox"/> <b>New</b> <input type="checkbox"/> <b>Rescinds:</b> <input checked="" type="checkbox"/> <b>Amends:</b> GO# 035 dated 10/09/17	<b>Number:</b> 035
<b>Subject:</b> Biased Policing		
<b>Distribution:</b> All Employees	<b>CFA Standards:</b> 2.06M A-F <b>FLA-TAC Standards:</b> <b>FCAC Standards:</b>	

**I. Scope and Purpose:** This General Order (GO) applies to all Flagler County Sheriff's Office (FCSO) personnel. The purpose of this GO is to unequivocally state that Biased Policing in law enforcement is unacceptable, to provide guidelines for employees to prevent such occurrences and to protect our employees when they act within the law and agency policies from unwarranted accusations.

**II. Discussion:**

- A. A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to 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.
- B. FCSO is charged with protecting these rights for all persons regardless of race, color, ethnicity, sex, physical handicap or religion.
- C. Because of the nature of our profession, law enforcement officers are required to be observant, to identify unusual occurrences and law violations and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and that detects and apprehends criminals.
- D. This GO is intended to assist FCSO personnel in accomplishing our mission in a way that respects the dignity of all persons, and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter law enforcement.

**III. Policy:** It is the Policy of the FCSO to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of the law. In other words, it is the Policy of the FCSO that Biased Policing, as defined by Florida State Statutes, shall not be used in traffic contacts, field contacts, searches and seizures, in asset seizure and forfeiture efforts, or any contact with the general public. Any traffic stop of a citizen will be documented via the Communications Center. Traffic stops will be in accordance with FCSO GO

#498. Citizens will be treated with due respect, but with regard to the safety of the Deputy performing or assisting in the stop. Discretion may be used by Deputies enforcing moving and non-moving violations when appropriate.

**IV. Forms:**

- Complaint Form FCSO Form # IA-001
- Consent To Search Form FCSO Form # INVS-063
- Consent To Search Form in Spanish FCSO Form # INVS-063a

**V. Definitions:** [CFA 2.06M C]

- A. Biased Policing - The inappropriate consideration of specified characteristics while enforcing the law or providing police services. Specified characteristics includes, but is not limited to, race, ethnic background, national origin, gender, gender identity, sexual orientation, religion, socio-economic status, age, disability, political status, or any other legally protected characteristics.
- B. 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 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 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.

**VI. Procedure:**

A. General:

1. FCSO personnel will receive initial and ongoing training in proactive enforcement tactics including training in officer safety, courtesy, fair and impartial policing including legal aspects, the laws governing search and seizure, and interpersonal communications skills. Training programs will follow CJSTC guidelines and/or Florida Statutes and emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or law enforcement action. [CFA 2.06M A]
2. Crime Prevention personnel are encouraged to discuss the FCSO GO regarding Biased Policing while conducting community education and awareness efforts at all Crime Watch and other functions. The FCSO also posts its philosophy regarding Biased Policing on the FCSO webpage for community education and awareness. [CFA 2.06M D ]
3. All law enforcement activity will be accompanied by consistent, ongoing supervisory oversight to ensure that personnel do not go beyond the parameters of reasonableness in conducting law enforcement activities. [CFA 2.06M B]. Any violations will be dealt with in accordance with FCSO GOs.
4. Motorists and pedestrians will only be subjected to stops, seizures or detentions upon reasonable suspicion or probable cause that they have committed, are committing or are about to commit a violation.

5. No person shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity. No person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement or a voluntary consent. In each case where a search is conducted, the search shall be documented including the legal basis for the search, and the results thereof. It is strongly recommended that consent searches be conducted with written consent using the Consent to Search form. If the individual indicates that he/she will consent to a search but refuses to sign the form, complete the form and indicate "consented to search but refused to sign", inserting initials and the signature of any witness in the signature block.
6. If the FCSO employee is equipped with an audio-video camera, the Deputy is encouraged to activate their camera on every call for service, until such time that it is determined that there is no threat or evidentiary value present.
7. In the absence of a specific credible report containing a physical description, a Deputy shall not use a person's race, ethnicity, gender or any combination of these as the factor in determining probable cause for an arrest or reasonable suspicion for a stop.

**B. Complaints of Biased Policing: [CFA 2.06 M F]**

1. The FCSO has a policy in place regarding the filing of complaints. See GO # 021 (Professional Standards Investigations).
2. Supervisors shall take appropriate action in accordance with FCSO GOs whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or squads. [CFA 2.06M B]
3. Law enforcement Supervisors are encouraged to randomly monitor their subordinate's video recordings to ensure compliance with this GO.

**C. Annual Review: [CFA 2.06M E]**

1. By February 15<sup>th</sup> of each year the following will be completed:
  - a. The Community Policing Division Chief or designee will review the Reports of Traffic Stops, Seizures and Forfeitures to determine if a pattern of biased policing is or has been present. If abuse is determined, appropriate action to correct the situation will be immediately instituted or recommended. This report will be forwarded via the chain-of-command to the Sheriff for review.
  - b. The Professional Standards Unit (PSU) shall include a summary of all Biased Policing Complaints in a report and forwarded to the Sheriff via the chain-of-command.

  
**Rick Staly**  
Sheriff