

ORANGE COUNTY SHERIFF'S OFFICE



GENERAL ORDER

Effective Date: July 30, 2020	<input checked="" type="checkbox"/> Amends - GO 6.2.2 (June 5, 2019)	Number: 6.2.2
Distribution: All Personnel	Review Month: April	Reviewing Authority: SHERIFF/Legal Services
Subject: Bias Free Policing		
CALEA Standards: 1.2.9		
CFA Standards: 2.06		

This order consists of the following:

1. Purpose
2. Policy
3. Definitions
4. Procedures

1. Purpose

The purpose of this policy is to emphasize the agency's commitment to fair and bias-free treatment of all people and clarify the circumstances in which agency personnel may consider specified characteristics when carrying out duties, and to confirm compliance with FS [30.15](#).

2. Policy

It is the policy of the agency that people having contact with agency personnel shall be treated in a fair, impartial, bias-free, and objective manner, in accordance with law and the guidelines set out in this General Order. Law enforcement action that is biased is illegal and violates the equal protection clause and the Fourth Amendment of the Constitution. It also alienates the public, fosters distrust, and undermines legitimate law enforcement efforts.

Equal protection under the law is a fundamental right guaranteed by the Constitution of the United States. People are free to walk and drive the streets, highways, and other public places without interference so long as they obey the law. People have a fundamental right to be free from unreasonable searches and seizures by government agents as guaranteed by the Fourth Amendment. This agency is charged with protecting these rights for all, regardless of race, color, ethnicity, gender, national origin, sexual orientation, gender identity, religion, immigration status, age, economic status or any physical characteristic.

This Agency prohibits illegal profiling as a law enforcement tactic and will not tolerate or condone its use by any of our personnel.

3. Definitions

- A. Biased-Based Profiling – the decision by a deputy to stop, detain, interdict, or search an individual based on the race, color, ethnicity, background, gender, national origin, sexual orientation, gender identity/expression, economic status, age, culture, physical handicap, immigration status, housing status, occupation,

language fluency, religion or other belief system, or any physical or personal characteristic.

- B. Reasonable Suspicion – knowledge sufficient to induce an ordinarily prudent and cautious deputy to believe criminal activity is at hand. It must be based on specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant intrusion.

4. Procedures

A. Citizen Encounters

1. All citizen encounters (including but not limited to, traffic contacts, field contacts, and asset seizure and forfeiture efforts) conducted by agency personnel will comply with the law and agency policy, specifically including GO [7.1.1](#), “Detention Arrest and Search Procedures.”
2. A motorist who is stopped on reasonable suspicion of a traffic offense, and who is cited or warned, will be released if no reasonable suspicion of further criminal activity exists. Furthermore, no person or vehicle will be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person’s voluntary consent.
3. 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, gender identity, sexual orientation, or age, they may rely in part on that identification or description, only in combination with other appropriate identifying factors, and may not give the identification or description undue weight.

B. Training and Community Education

1. Deputies shall receive initial and in-service training in law enforcement tactics and procedures, which may include, but is not limited to, officer safety, courtesy and respect, human diversity, search and seizure, and interpersonal communication skills.
2. This training will incorporate the need to respect the rights of all citizens to be free from unreasonable government intrusion or law enforcement action.
3. Homeland Security and Community Relations shall conduct ongoing community education and awareness programs concerning law enforcement and traffic stop procedures through various mediums, which may include, but are not limited to, the Civilian Police Academy, the Senior Citizens’ Academy, Neighborhood Watch, and crime prevention seminars.
4. Training on interactions with transgender and gender non-conforming individuals will include legal aspects of those interactions and a review of the current agency policy. The Reviewing Authority, with consultation of the agency’s LGBT Liaisons, shall conduct the review.

C. Complaints of Biased Based Policing

1. Agency personnel who are made aware of a citizen’s allegation of biased-

based policing shall immediately refer the complaint to a first-line supervisor.

2. First-line supervisors or managers receiving a complaint of biased-based policing shall attempt to determine the circumstances surrounding the complaint, including but not limited to, identifying the complainant and witnesses and ascertaining how to contact them. Supervisors and managers shall notify the on-call Professional Standards agent and forward the complaint to Professional Standards in accordance with GO [5.1.2](#).
3. Professional Standards shall investigate allegations of discrimination in accordance with GO [5.1.2](#) and conduct a documented annual administrative review of agency practices including citizen concerns. The review will serve as an administrative tool to identify training needs and/or policy modifications related to biased-based profiling. A report of the completed review will be forwarded to the Sheriff.
4. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or retaliated against, because he or she filed such a complaint or was interviewed as a witness in such an investigation.