

Criminal Profiling vs. Bias-Based Profiling: *The Critical Difference*

Pursuing criminals and protecting rights – a delicate balance. A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is to the 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 our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers. The Punta Gorda Police Department is charged with protecting these rights for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Because of the nature of their business, 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. It is the policy of the Punta Gorda Police Department to patrol and police in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the 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 an infraction of the law. **The Punta Gorda Police Department strictly prohibits bias-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts.**

The manner in which our police officers go about identifying potential suspects in the commission of a crime is crucial, as it is for any organization that places a premium on the rights of the individual. Based on their training, knowledge and experience, Punta Gorda Police Officers contact potential suspects based on their behavior and other factors that provide evidence that they have committed a crime, are engaging in criminal activity, or are about to commit a crime. In conducting criminal investigations, the Punta Gorda Police Department uses accepted, legitimate and necessary investigative tools, including criminal profiling.

Criminal profiling differs from and should not be confused with bias-based profiling. One is an investigative tool; the other, a discriminatory practice.

What is criminal profiling? Criminal profiling is a proven, effective way of speeding up an investigation. It involves scrutinizing facts and characteristics common to a specific kind of criminal activity, such as serial murder, or general criminal activity, such as drug trafficking. From these facts and characteristics, we may be able to identify a type of person, or group of people, upon which to

focus our investigation. This can result in fewer suspects to consider and quicker resolution of the case.

While criminal profiling can involve factors such as gender, race or ethnicity, such factors are just a few among many that police must look at in order to identify a suspect.

Bias-based profiling, on the other hand, is a discriminatory practice that occurs when:

1. An officer, whether intentionally or unintentionally, applies personal, societal or organizational biases or stereotypes to making decisions or taking police action; and
2. A person's race, ethnicity, background, gender, sexual orientation, religion, economic status, age, culture or other personal characteristic is the ONLY reason for that decision or action.

Discriminatory enforcement practices like bias-based profiling rob citizens of their Constitutionally-protected right to equal protection under the law. Furthermore, the practice of biased-based profiling alienates citizens, fosters distrust of the police, invites media scrutiny and can lead to serious legal consequences for any law enforcement agency that tolerates it.

The Punta Gorda Police Department's policy against biased-based profiling is to:

- protect the constitutional rights of all people, regardless of race, color, ethnicity, gender, sexual orientation, religion or other belief system, physical handicap or characteristic; and
- treat each person with respect and dignity.

The Punta Gorda Police Department will not accept or tolerate bias-based profiling.

Backing up our commitment. In order to fulfill our commitment toward prohibiting such conduct, the Punta Gorda Police Department has implemented the following countermeasures to ensure that bias-based profiling does not occur within Punta Gorda:

- Officers receive training in bias-based profiling;
- Training programs emphasize the need to respect individual rights;
- Traffic enforcement is accompanied by consistent, ongoing supervisory oversight;
- Any time a pedestrian or motorist is stopped, the officer is required to radio headquarters concerning the location of the stop, the description of the person or vehicle being detained, and the reason for the stop will be documented;

- If a police vehicle is equipped with an operational video system, it must be activated prior to the stop, and shall remain activated until the individual is released;
- Management conducts an annual review of citizen profiling complaints;
- Supervisors are required to periodically review a sampling of in-car video tapes of stops, reports filed on stops by officers, and respond at random to back up officers on vehicle stops, and are required to take appropriate action whenever it appears that department policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by officers.

If you feel you have been a victim of bias-based profiling in the City of Punta Gorda, you have the right to report your concerns to the Police Department. The Punta Gorda Police Department's policy concerning complaints of bias-based profiling is as follows:

- Any person may file a complaint with the department if they feel they have been stopped or searched as a result of bias-based profiling, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- Any officer contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of a citizen complaint form which may be mailed or delivered in person to headquarters, and shall record the person's name, address, and telephone number, and report the contact to the officer's supervisor prior to the end of the shift.
- All such complaints are reviewed by Command Staff, the complaint is acknowledged to the complainant in writing, and the complainant is informed of the results of the department's review within a reasonable period of time.
- Complaints can be filed with an agency supervisor in person at the police station, by calling the Punta Gorda Police Department non-emergency number (941) 639-4111 and requesting a supervisor, or by mailing comments directly to the Chief of Police at 1410 Tamiami Trail, Punta Gorda, Florida 33950.