


DIVISION OF FLORIDA HIGHWAY PATROL

OFFICE OF THE DIRECTOR

January 14, 2016

TO: All Sworn Personnel

FROM: Colonel Gene S. Spaulding 
Director

SUBJECT: Biased-Based Profiling

This Memorandum shall serve to reiterate our position regarding Biased-Based Profiling.

Proactive traffic enforcement has long been recognized as an effective method of crime control. Studies show that when enforcement of traffic laws goes up, the traffic fatality and injury tolls often go down. The issue is whether the vehicle occupant's race, ethnicity, gender, or economic status was the reason for initiating the traffic stop and/or subsequent search of the vehicle. This practice is commonly referred to as "profiling." While this practice has never been condoned by the Patrol, the publicity surrounding it will no doubt cast a shadow over all police agencies in America. Therefore, I want to restate in the strongest terms the Patrol's position on this important issue.

Profiling is illegal, inconsistent with the principles of American policing, and an indefensible public protection strategy. Therefore, profiling cannot, and will not, be tolerated.

Profiling by members of the Florida Highway Patrol will not be condoned. **I expect that traffic stops made by members of the Patrol will be based solely on the violation observed. I also expect that the race, ethnicity, gender, or economic status of the vehicle occupants will not be considered in deciding whether to search the vehicle. Decisions to search a vehicle are to be based on evidence and the occupant's behavior patterns.** Members found to be conducting profile stops will be subject to disciplinary action up to and including dismissal.

All levels of supervision are to take steps to continue to ensure that members in their command do not practice profiling. These steps should include clearly stating to members that profiling will not be tolerated, review of enforcement reports with a focus to identify possible profiling patterns, and encouraging appropriate traffic enforcement tactics. Supervisors found to have condoned, encouraged, or ignored patterns of profiling will be subject to disciplinary actions. This is not a "DON'T ASK, DON'T TELL" issue. I expect proactive steps be taken to ensure that members of the Patrol do not engage in profiling. Based on my review of our most recent Biased Based Profiling report, our members are continuing to conduct themselves professionally and appropriately during traffic stops.

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This memorandum shall serve to reinforce that there is no question in your mind regarding the Patrol's policy on profiling. Profiling relates to the use of race, ethnicity, gender or economic status in deciding whether to initiate a traffic stop and/or search a vehicle. To avoid misunderstandings, it is essential that the violator be told the reason for the stop at the earliest opportunity and those facts that lead to a decision to search a vehicle be properly documented. This memorandum should not inhibit you from continuing to use your skills as a police officer to detect evidence of criminal activity during a traffic stop. The contribution that traffic enforcement can make to the overall public safety cannot be overstated. Your abilities to uncover evidence of criminal activity during a traffic stop are and always have been a valuable skill necessary in protecting Florida's motorists.