



# Bowie Police Department - General Orders

TITLE: BIASED BASED PROFILING		NUMBER: 449
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## I. PURPOSE

The purpose of this Order is to state unequivocally that all law enforcement activities, including traffic contacts, field contacts and asset seizure and forfeiture, which are the result of biased based profiling, are not condoned, are unacceptable, and will not be tolerated by the Bowie Police Department. Bias based profiling is unethical and illegal, and serves to foster distrust of all law enforcement by the community we serve.

## II. POLICY

It is the policy of the Bowie Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle and criminal laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law. It is the policy of the Department to protect the fundamental rights of all citizens, to ensure equal protection under the law and freedom from unreasonable searches and seizures, as provided in the United States Constitution. **Bowie Police Department personnel shall focus on a person's conduct and not consider common traits unless that trait has been associated with a specific suspect of a crime or the suspects associated with a pattern of incidents in a particular area.** (CALEA 1.2.9)

## III. DEFINITIONS

- A. Biased Based/Racial Profiling: Any police initiated action that relies on the race, ethnicity, sexual orientation, religion, economic status, age, culture, gender, gender identity, sexual orientation, national origin, immigration status, disability, housing status, occupation, language fluency or some other identifiable group rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.
- B. Reasonable Suspicion: May also be referred to 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 reasonable person to believe that an infraction 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 police officer combined with that officer's training and experience, and/or reliable information received from credible outside sources.
- C. Traffic stop: any instance when a law enforcement officer stops a driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle Law excluding a checkpoint or roadblock stop and

a stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes.

#### **IV. TRAINING**

- A. All sworn officers receive initial and annual training in proactive enforcement tactics, including training in officer safety, courtesy, cultural and human diversity, the laws governing search and seizure, interpersonal communication skills, and related topics that can build trust and legitimacy in diverse communities.
- B. Training programs will emphasize legal aspects of bias based profiling and stress the need for each officer to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- C. Training will also include a review of policy and other safeguards to minimize the risk of personnel being placed in biased circumstances by an outside source. (CALEA 1.2.9)

#### **V. ENFORCEMENT**

- A. The Bowie Police Department will direct its efforts toward assigning officers to those areas where there is the highest likelihood that motor vehicle collisions will be reduced and crimes prevented through a proactive police patrol or presence.
- B. Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they may have committed, are committing or are about to commit an infraction. Each time a motorist/pedestrian is stopped, the officer shall radio to the Communications Specialist the location of the stop and the description of the person or vehicle involved.
- C. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities. Appropriate traffic enforcement action shall always be completed in the form of a warning, equipment repair order, citation or arrest.
- D. Officers shall electronically report demographic data to a Departmentally approved database for each traffic stop initiated with the following exceptions:
  - 1. Radar/LIDAR stops
  - 2. License Plate Reader (LPR) stops
  - 3. Commercial Vehicle Inspections
- E. All field contacts of confirmed suspicious persons will be recorded on a Field Observation Report.

#### **VI. OFFICER REPORTING**

- A. Officers approved for use of the Maryland State Police Electronic Traffic Information Exchange (ETIX) shall:
  - 1. Enter all demographic information into the Delta Plus application
  - 2. Properly code all stops as “reportable” or “non-reportable”
  - 3. Complete Delta Plus search report, as necessary
  - 4. Complete demographic data entry into the Municipal Police Multi-Agency Online Records Management System as described in Section B when:
    - a. the Maryland State Police ETIX is unavailable for any reason
    - b. the officer issues a paper citation/warning/SERO that will not be entered into the ETIX system.
- B. Officers will not ask the driver about his/her race or ethnicity. Determination of the driver’s race is to be made by the officer conducting the stop based on his/her personal observation of the driver at the time of the stop. Officers may use information obtained from other recognized sources (MVA records, Department records, etc.) to verify their initial personal observations

- C. In the event of an arrest arising from a traffic stop the “approximate length of stop” does not include prisoner processing or any subsequent investigation time. For demographic data reporting purposes “approximate length of stop” shall be determined as follows:
  - 1. Officers using the Maryland State Police ETIX system shall suspend the stop at the time actual physical arrest is made, allowing the system to automatically calculate the appropriate “approximate length of stop.”
  - 2. Officers NOT using the Maryland State Police ETIX system shall report the “approximate length of stop” as the time elapsed from the time the initial violation occurred to the time of actual physical arrest by making a CAD narrative entry (either by Mobile Data Terminal or by notification to dispatch).

**V. DEPARTMENT REPORTING**

- a. Prior to March 1<sup>st</sup> of each year a report of the Department’s electronically captured demographic data shall be made to the Maryland Statistical Analysis Center (MSAC).
- b. Demographic data entered into the Maryland State Police ETIX system shall be retrieved by the Department ETIX administrator and forwarded to the Administrative Services Division for review and submission to the MSAC.

**VI. COMPLAINTS OF BIAS BASED PROFILING:**

- A. The perception that some police officers are engaging in racial profiling creates resentment and distrust of the police, making some members of the community less willing to trust and confide in police officers, report crimes, participate in problem-solving activities, be witnesses at trials or serve on juries.
- B. The Department encourages any person who feels they have been stopped or searched based on racial, ethnic or any other form of bias based profiling by an officer of this agency to file a complaint with the Bowie Police Department.
- C. No person shall be discouraged, intimidated or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- D. Officers contacted by a person who wishes to file such a complaint, shall assist the citizen in directing that person to the on-duty Shift Supervisor.

**VII. CORRECTIVE MEASURES:**

- A. The Department will monitor data concerning officers’ contacts with citizens and filed complaints to ensure that policies concerning bias based profiling are being followed.
- B. If information indicates an officer is engaging in bias based profiling, that officer will be closely monitored. If not the originator of the information, the officer’s supervisor and Division Commander will be notified of the perceived problem. If a pattern of bias based profiling is clearly identified, necessary corrective measures, through the use of progressive discipline, will be taken in the form of counseling, remedial training and/or disciplinary action, up to and including termination.

**VIII. ANNUAL REVIEW:** Annually, the Department will conduct a documented administrative review of agency practices including any citizen concerns or complaints. The review will include electronically submitted demographic data, Field Observation Reports or electronic equivalent, and asset seizures and forfeitures.