

 <p style="text-align: center;">BEL AIR POLICE DEPARTMENT</p> <p style="text-align: center;">Policies and Procedures</p> <p style="text-align: center;">Charles A. Moore Chief of Police</p>	CHAPTER: 19
	TITLE: Fair & Impartial Policing
	No. Pages: 6
	Replaces pages 36 through 39 – SOP Manual 2006

19:100 - Policy

The Bel Air Police Department (BAPD) is committed to the protection of human and civil rights for all people and carrying out law enforcement responsibilities in a nondiscriminatory manner in accord with the Constitution of the United States. The Department will assure that every person is treated fairly and provided equal protection under the law. This section will replace pages 36-39 – SOP Manual (2006).

19:101 - Definitions

Within this directive, the following definitions apply:

Bias-Related Incident - Any incident, whether completed or attempted, which is based upon the person's religion, race, gender, ethnic background, national origin, disability, gender identity, sexual orientation, homelessness, economic status, age, cultural group, or any other identifiable group.

Bias Based Policing - Police initiated action based solely on religion, race, gender, ethnic background, national origin, disability, gender identity, sexual orientation, homelessness, economic status, age, cultural group, or any other identifiable group, rather than reasonable articulable suspicion or knowledge of unlawful activity.

Investigative Stop - A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer, a citizen, a Communications Officer, or by independent investigation.

Reasonable and Articulable Suspicion - Information known to an officer at the time he initiates action, which would lead an officer to reasonably suspect that the subject of the information is involved in a violation of criminal or traffic law.

Documentation - Completed forms and/or officer's notes which identify the details of a police contact, specifically: Maryland Uniform Complaint and Citation (State Citation), Maryland Safety Equipment Repair Order (SERO), BAPD Written Warning, Incident Report (I/R), Field Interview Report (FIR), computer data entries.

Traffic Stop (As defined in MD Trans. Code Ann. § 25-113) - means 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. It does not include;

1. A checkpoint or roadblock stop;
2. A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
3. A stop based on the use of radar, laser, or vascar technology; or
4. A stop based on license plate technology.

For the purposes of this policy, the definition of a **Traffic Stop**, shall also include those stops of motor vehicles for the purpose of a safety equipment violation and investigative type stops.

19:102 - Guiding Principles

It is the policy of the BAPD to protect everyone's Constitutional rights through impartial enforcement of the law. All law enforcement actions, such as motor vehicle stops, investigative stops, arrests, searches and seizures will be based on reasonable and articulable suspicion or probable cause as required by State statutes, State Constitution and the U.S. Constitution.

1. Members of BAPD will treat everyone with respect and dignity, and in an unbiased manner.
2. Members will remain in control and respond appropriately when dealing with all persons, to include other employees.
3. Officers must be able to articulate specific facts, circumstances, and conclusions which support their actions.
4. Biased based profiling in traffic contacts, issuance of citations, field contacts, asset seizure and forfeiture, and all law enforcement actions are prohibited and may lead to disciplinary action including dismissal.
5. Nothing in this or any other order alters an officer's authority to conduct enforcement actions, make an arrest, conduct a search and seizure, or otherwise fulfill his / her law enforcement obligations.
6. Nothing in this policy precludes officers from relying upon race as a part of a description where a specific suspect is sought.
7. Officers / Dispatchers will not inquire as to any person's immigration status, unless, it becomes necessary to inquire of an arrested person's immigration status during the identification process.

All sworn members will receive updated training in bias-based profiling issues that promote and encourage impartial policing and prevent the creation, adoption or use of inappropriate stereotypes. Applicable training may include, but is not limited to, officer safety, courtesy, cultural diversity, search and seizure issues and legal aspects, asset seizure and forfeiture, interview techniques, interpersonal communication skills, constitutional and case law, field contacts and motor vehicle stops.

19:103 - Documenting Traffic Stops (MD Trans. Code Ann. § 25-113)

1. In accordance with Section 25-113 of the Maryland Transportation Article, the Department must gather all required race-based data elements on every non - exempt traffic stop for entry into a database to generate statistical reports to the State of Maryland.
2. If the officer has access to an MDT at the time of the stop, the required information will be entered into ETIX. If the officer does not have access to ETIX via MDT, then the required data will be documented on the BAPD Race-Based Data Collection Form by hand and submitted to the Administrative Sergeant for data collection purposes.
3. The following is a list of the required data that will be entered (MD Trans. Code Ann. § 25-113);
 - a. Date, location, and time of stop.
 - b. The approximate duration of the stop.
 - c. The traffic violation or violations alleged to have been committed that led to the stop.

- d. Whether a search was conducted as a result of the stop.
- e. If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether the person was searched, and whether the person's property was searched.
- f. Whether any contraband or other property was seized in the course of the searched.
- g. Whether a warning, safety repair order, or citation was issued as a result of the stop.
- h. If a warning, safety repair order, or citation was issued, the basis for issuing the warning, safety repair order, or citation.
- i. Whether an arrest was made as a result of either the stop or the search.
- j. If an Arrest was made, the crime charged.
- k. The state in which the stopped vehicle is registered.
- l. The gender of the driver.
- m. The state and, if available on the driver's license, the county of residence of the driver.
- n. The race or ethnicity of the driver as:
 - (i) Asian
 - (ii) Black
 - (iii) Hispanic
 - (iv) White
 - (v) other

19:104 - Traffic Stops

- 1. A State Citation, SERO or Written Warning must be completed for every traffic stop.
- 2. If the officer determines that no violation occurred (i.e. seatbelt was not evident but was in use, apparent equipment violation did not actually exist, etc.) the officer may conclude the stop without issuing any documentation to the vehicle operator. The officer shall then complete the appropriate sections of the BAPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded and should be forwarded to the Administrative Sergeant for data collection purposes.
- 3. Initiating an arrest, as the result of a motor vehicle stop, does not relieve the officer from issuing a State Citation, SERO or Warning to address the initial violation that warranted the traffic stop.

19:105 - Investigative Stops

- 1. Appropriate documentation is mandatory for every investigative stop. The CAD entry shall indicate that an investigative stop was initiated.
- 2. FIRs should be used when appropriate.
- 3. Portions of the Warning form may be used to document investigative stops that do not require an I/R or FIR. This would be appropriate for BOLO-based stops where the vehicle/occupant was swiftly eliminated as being involved in the criminal activity.

19:106 - Terminated Stops

- 1. The requirement to document all traffic stops as defined in this policy, shall not prevent an officer from abruptly diverting to respond to a priority call (i.e. Priority One Call, Signal 1, etc.). If necessary, the officer should briefly explain his actions to the violator and respond to the priority call without issuing any documentation to the violator. The

officer shall later complete the appropriate sections of the BAPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded.

2. Officers are reminded that a report is required for all searches including those that result from a motor vehicle stop.

19:107 - Responsibilities

A. Dispatchers

1. Dispatchers will ensure that calls for service are not dispatched when it is clear that the primary motivation by the caller is based on an individual's religion, race, gender, ethnic background, national origin, disability, gender identity, sexual orientation, homelessness, economic status, age, cultural group, or any other identifiable group.
2. Calls which arouse question, as listed above, will be vetted immediately by a supervisor.

B. Officers

1. Officers shall ensure that all law enforcement actions are not based on religion, race, gender, ethnic background, national origin, disability, gender identity, sexual orientation, homelessness, economic status, age, cultural group, or any other identifiable group.
2. Officers shall ensure that all required data elements are collected from each motor vehicle stop (except for terminated stops and those where no actual violation occurred) by properly completing all fields on the Citation, SERO, Warning.
3. Officers shall promptly submit all documentation of motor vehicle stops to their immediate supervisor, for review and approval.
4. Officers will be courteous, polite and professional and provide their name and Department information. Officers will explain the reason for the stop as soon as practical unless doing so compromises the safety of officers or others.
5. Officers will request the presence of supervisory or administrative ranked officers to allow citizens to voice their field contact or enforcement related concerns.

C. Supervisors

1. Supervisors shall ensure that all personnel are held accountable to this policy. Any indication of deviation will require an immediate response and will be reported through channels to the Chief of Police.
2. Supervisors are the first line of assurance that personnel are maintaining harmonious and productive dialogue with citizens. Personnel that experience difficulty successfully diffusing stressful and tense situations will receive remedial training.
3. Supervisors will respond when requested by patrol or citizens and provide/assist in the Department's complaint process when needed.

D. Records Section

1. The Records Section shall return any documentation that fails to provide all mandated data to the appropriate supervisor.
2. The Records Section shall ensure the proper data entry and reporting of motor vehicle stop data and shall generate all mandated statistical reports.

E. Internal Affairs Division

1. BAPD Internal Affairs Division shall conduct and document an annual administrative review of all documents associated with any claim or allegation that police action occurred as a result of bias-based profiling, as well as all available data regarding use-of-force, traffic contacts, or other police actions.
2. The BAPD Internal Affairs Division will also review all relevant body worn camera (BWC) footage on all claims or allegations that police action occurred as a result of bias – based profiling.
3. The findings shall be submitted to the Chief of Police for his review.

F. Administrative Sergeant

1. The Administrative Sergeant shall ensure full compliance with TR 25-113.
2. Annually, the Administrative Sergeant shall perform and document an administrative review of motor vehicle stop data. The report will be submitted to the Chief of Police.

G. Training Division Coordinator

1. The Training Division Coordinator shall ensure that all members receive annual training in subjects that promote and encourage fair and impartial policing.

H. Chief of Police

1. The Chief of Police will ensure that yearly administrative reviews are conducted to examine the Department’s commitment to impartial policing, which shall include the review of the Maryland Statistical Analysis Center annual report located in the Governor’s Office of Crime Control and Prevention Website. Dynamics that are to be included in these reviews include, but are not limited to, Departmental policies, practices, statistical data analysis, and expressed citizen concerns as conveyed to the Chief of Police by the Citizens Advisory Board.

19:105 - Data Analysis

1. Internal Departmental statistical reports are confidential and will be produced on an “as needed” basis and shall be provided to the Chief of Police, the Internal Affairs Division, and others that the Chief of Police may specifically designate.
2. Notable statistical irregularities or complaints alleging that officer(s) are conducting policing activities in violation of Departmental policy will be investigated in accordance with Chapter 5 (Conduct Policy). The Internal Affairs Division will include related complaint information in the yearly statistical summary.

19:106 - Reporting

1. Whenever an officer has a contact where there are allegations of unfair, discriminatory or impartial policing practices, the officer shall complete and submit an Incident Report detailing the circumstances of the encounter and ensure that the Chief of Police notified through channels.
2. All officers who witnessed the encounter will submit a supplement Report detailing their observations.

Approved:



Charles A. Moore, Chief of Police

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19:101 – Definitions

19:103 – Title

19-103 (1)(2)(3)

19-104 – Title

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19:106 (1)

19:107 (E2)

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