

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Washington Suburban Sanitary Commission Police Department's commitment to policing that is fair and objective (Md. Code TR § 25-113).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Washington Suburban Sanitary Commission Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 OTHER PROHIBITIONS

The Washington Suburban Sanitary Commission Police Department prohibits the illegal use of an individual or group's attire, appearance or mode of transportation, including the fact that an individual rides a motorcycle or wears motorcycle-related paraphernalia, as a factor in deciding to stop and question, take enforcement action, arrest or search a person or vehicle (Md. Code PS § 3-207).

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to

Washington Suburban Sanitary Commission Police Department

Policy Manual

Policy Manual

Bias-Based Policing

a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Officers shall not use an individual's race or ethnicity as the sole justification to initiate a traffic stop. However, this does not alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations (Md. Code TR § 25-113).

Each time an officer makes a traffic stop, the officer shall report any information as required in the Safety Equipment Repair Orders (SERO), Traffic and Parking Citations Policy (Md. Code TR § 25-113).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 1. Supervisors should document these periodic reviews.
 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

Washington Suburban Sanitary Commission Police Department

Policy Manual

Policy Manual

Bias-Based Policing

401.6 STATE REPORTING

The Investigative Section shall compile and submit the required traffic stop data to the Maryland Statistical Analysis Center no later than March 1 of the following calendar year (Md. Code TR § 25-113).

Maryland law requires the collection and reporting of traffic stop data. Whenever a member of this agency initiates a traffic stop as defined in this policy, a Perspective report will be initiated and each report will contain the following minimal information:

- (a) The date, time, and specific location of the stop
- (b) The approximate duration of the stop
- (c) The specific 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, if so, whether the search was consensual or non-consensual, and whether the search was one of the individual's person, property or both
- (e) Whether any contraband or other property was seized as a result of the search
- (f) Whether a warning, safety equipment repair order ("SERO"), or citation was issued as a result of the stop, and, if so, the basis for such being given
- (g) Whether an arrest was made as a result of either the stop or the search
- (h) If an arrest was made, the crime charged
- (i) The state in which the stopped vehicle is registered
- (j) The gender and date of birth of the driver
- (k) The race or ethnicity of the driver as:
 1. Asian
 2. Black
 3. Hispanic
 4. White, or
 5. Other
 6. ***(In order to avoid an already tense and potentially inflammatory situation, officers should not inquire as to the driver's ethnicity, but rather should use their own personal judgment in assessing race and ethnicity.)***
- (l) The state, and, if available on the driver's license, the county of residence of the driver.

The Chief of Police and/or their designee shall periodically review and evaluate traffic stop data described in the section above on a regular basis for patterns of prohibited activity.

The Chief of Police and/or their designee shall provide training in addition to roll call training to enhance officers' ability to articulate and document their actions concerning traffic stops. Such

Washington Suburban Sanitary Commission Police Department

Policy Manual

Policy Manual

Bias-Based Policing

training shall be conducted in the form of in-service programs, roll call training sessions or one on one coaching sessions.

Training should stress the importance of communication, particularly active listening and non-verbal cues. Further such training should include a review of the U.S. Constitution and relevant case law affecting police-citizen contacts.

401.7 ADMINISTRATION

The Patrol Commander should review the efforts of the Department to provide fair and objective policing, including traffic stop data, and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Md. Code TR § 25-113).

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

The Patrol Commander shall also review the annual report generated by the Maryland Statistical Analysis Center analyzing the information submitted by this and other law enforcement agencies (Md. Code TR § 25-113).

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Coordinator.

Officers shall complete implicit bias testing and training approved by the Maryland Police Training and Standards Commission upon hiring and annually (Md. Code PS § 3-207).