



# HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Jeffrey R. Gahler,  
Sheriff

## Unbiased Policing

<b>Distribution:</b>	<b>All Personnel</b>	<b>Index:</b>	<b>OPS 0915</b>
<b>Responsible Unit:</b>	<b>Office of Professional Standards</b>	<b>Rescinds:</b>	<b>N/A</b>
<b>DLI Program:</b>	<b>Pending</b>	<b>MD Code:</b>	<b>See References</b>

<b>Issued:</b>	<b>1/1/18</b>	<b>Revised:</b>	<b>10/15/17</b>	<b>Reviewed:</b>	<b>12/13/17</b>	<b>Next Review:</b>	<b>1/1/2019</b>
----------------	---------------	-----------------	-----------------	------------------	-----------------	---------------------	-----------------

### 1. Purpose

To emphasize the HCSO's commitment to unbiased policing and equitable treatment of all persons.

### 2. Policy

HCSO strictly prohibits bias-based policing in traffic contacts, field contacts, asset seizure, and forfeiture efforts.

### 3. Definitions

**BIAS BASED POLICING:** the selection of an individual for enforcement action based solely on a trait common to a group. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, motorcycle ridership, or any other identifiable group.

**COMPLAINT:** an allegation, if proven factual, which would constitute misconduct; differences of opinion between a deputy and a citizen over the issuance of a traffic citation and/or criminal arrest are not complaints unless the allegation involves misconduct such as improper conduct, use of force, etc.

**MOTORCYCLE PROFILING:** the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.

**REPORTABLE GENDER:** the behavioral, cultural, or psychological traits typically associated with one's sex.

**REPORTABLE SEX:** either of the two major forms of individuals that occur in many species and that is distinguished respectively as female or male on the basis of their reproductive organs and structures (Webster's).

**REPORTABLE TRAFFIC STOP:** all traffic stops except for the following: a checkpoint or roadblock; a stop of multiple vehicles due to a collision or emergency; a stop based on the use of RADAR, LASER/LIDAR or license plate readers; commercial vehicles stopped by certified inspectors for the purpose of being inspected and/or weighed; or vehicles stopped for the sole purpose of a criminal investigation.

### 4. References

MD. CODE ANN., TRANSPORTATION. § 25-113.

### 5. Procedures

- A. The Office of Professional Standards (OPS) Commander will:
1. Be responsible for assigning bias-based policing complaints for investigation;
  2. Upon notification of a bias-based policing complaint, contact the employee's commander and brief the respective bureau chief; and
    - a. the bureau chief will then brief the Chief Deputy and the Sheriff.
  3. Prepare a quarterly report of all bias-based policing complaints.
    - a. copies will be forwarded to the Chief Deputy, the Sheriff, and the Agency Liaison, Harford County Law Department (HCLD).
- B. The Chief Deputy will:
1. Serve as the central point of contact for all bias-based policing issues;
  2. Develop policies and procedures related to biased-based policing to promote the HCSO's position of unbiased policing;
  3. Review traffic stop, vehicle search, criminal citation, and arrest data;
  4. Ensure data is submitted annually to the Governor's Office of Crime Control and Prevention (GOCCP) and the Maryland Statistical Analysis Center (MSAC) within established time frames;
  5. Ensure follow-up action is taken as a result of a bias-based complaint; and
  6. Complete an annual review of HCSO policies and practices related to bias-based policing which will include citizen concerns.
- C. The Director of the Training Academy will:
1. Ensure all deputies are trained in bias-based policing issues, including legal aspects;
  2. Distribute newly released court rulings regarding the constitutionality of stop and search procedures to HCSO personnel;
  3. Work with the coordinator designated by the Sheriff to review and approve all drug interdiction and traffic stop training to be attended by HCSO personnel; and
  4. Ensure all training provided at the entry, in-service, and professional development level is consistent with HCSO policy against bias-based policing.
- D. Precinct and Division commanders will:
1. Randomly review data for personnel through Delta +/-E-Tix system on a monthly basis.
  2. If bias-based policing issues are discovered during random reviews take the appropriate action.
  3. Ensure any counseling related to bias-based policing issues is documented in Guardian System.
- E. Precinct and Division Supervisors will:

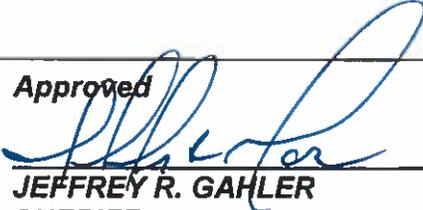
1. Randomly review data for personnel through Delta +/E-Tix system on a monthly basis.
2. Monitor their personnel's patrol tactics;
3. Be knowledgeable of issues such as patrol areas which may provide legitimate explanations as to why data may differ among deputies; and
4. Immediately bring concerns of bias-based policing to the attention of the commander.

F. All personnel will:

1. Conduct their duties in an unbiased manner; and
2. Be responsible for ensuring required data is entered into Delta+.

G. Required Data for Reportable Traffic Stops and Criminal Citations

1. All hand written reportable traffic stops and issued Criminal Citations must be documented in Delta+. After selecting the "Reporting Screen", select the "Data Entry Tab" and choose "Traffic Stop Data Collection" or "Criminal Citation Data Collection."
2. Complete all required fields in Delta+/E-Tix.
3. The following will be adhered to when capturing the data:
  - a. race and sex: The determination of the driver's race and gender is subjective and is based on the deputy's first impression; deputies will not inquire about a person's race or gender.
  - b. arrest made: If a physical arrest was made, provide the most serious charge; use the type of crime, article and section listed on the charging document.
  - c. search conducted: If a search was conducted as a result of the stop, select the search type, disposition, and search reason.
  - d. traffic stops abruptly terminated due to emergency calls or circumstances beyond the deputy's control will be documented in the deputy's radio traffic log.

Approved  
  
JEFFREY R. GAHLER  
SHERIFF  
DATE 12/21/17