
	<b>GAITHERSBURG POLICE DEPARTMENT</b>		
	<b>Biased-Based Policing</b>		
	<b>GENERAL ORDER</b>	<b>619.3</b>	
<b>Effective Date</b>	<b>07/01/2022</b>	<b>1.2.9, 26.1.1, 61.1.8, 82.3.3</b>	
<b>Authorized by:</b>	<b>Mark P. Sroka</b> CHIEF OF POLICE	SIGNATURE	DATE <b>04/17/2025</b>

## **1. DEPARTMENT POLICY**

- 1.1. Bias-based policing is the intentional or unintentional application of biases or stereotypes as a basis or factor considered in decision-making, enforcement action, or the administration of justice. These biases or stereotypes, which can be based on race, color, gender or gender identity, national origin, ethnicity, religion, sexual orientation, disability, citizenship, and socio-economic status, have no place in a professional law enforcement agency and will not be tolerated.
- 1.2. The Department and the community have placed an enormous amount of trust and confidence in its police officers. The Department is a professional, progressive law enforcement agency and understands the need for public trust. The practice of biased-based policing is in direct conflict with the mission and values of this agency and contrary to federal, state, and local laws.
- 1.3. The Department expects officers to aggressively enforce criminal and traffic laws in a fair manner and with an appropriate level of discretion. Nothing in this policy should be construed to limit an officer's discretion or alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

## **2. PROHIBITION**

### **2.1. In General**

- 2.1.1. Officers shall not use any of the below-listed criteria as the sole or determining factor in decision-making, enforcement action, or the administration of justice:
  - 2.1.1.1. Race;
  - 2.1.1.2. Color;
  - 2.1.1.3. Ethnicity or national origin;
  - 2.1.1.4. Gender or gender identity;
  - 2.1.1.5. Sexual orientation;
  - 2.1.1.6. Religion;

- 2.1.1.7. Disability;
  - 2.1.1.8. Economic status; or
  - 2.1.1.9. Citizenship
- 2.1.2. The Department prohibits selective police enforcement based on the above criteria for two sets of circumstances as stated in the Attorney General's Guidance Memorandum for Ending Discriminatory Profiling in Maryland, (August 2015).
- 2.1.2.1. Standard for Routine Law Enforcement Active – When conducting routine police activity unconnected to an investigation of a specific crime, organization, or scheme; officers may not consider race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion to any degree.
  - 2.1.2.2. Standard for Investigative Law Enforcement Activity – When investigating a specific criminal offense, criminal organization, or crime scheme; officers may only consider race, ethnicity, national origin, gender identity, sexual orientation, disability or religion if the officer is in possession of credible information that makes the defining personal characteristic directly relevant to the investigation of a specific offense, organization, or scheme.
    - 2.1.2.2.1. The information upon which an officer wishes to act, even where that information satisfies the threshold requirement of being trustworthy, should also relate directly to the investigation of a specific criminal offense, a particular criminal organization, or specific criminal scheme.

### **3. COLLECTION OF DATA**

#### **3.1. Purpose**

- 3.1.1. The Department collects data for submission to the Maryland Justice Analysis Center in order to comply with the provisions of TA 25-113, and to use the data as a management tool to promote non-discriminatory law enforcement practices.
- 3.1.2. All traffic stop data collected by the Department is monitored on an ongoing basis by management. Any patterns of racial or gender profiling shall immediately be investigated and corrective measures taken.

## 3.2. Procedures

- 3.2.1. Officers shall document each and every reportable traffic stop they make by accurately indicating the following information about each stop:
  - 3.2.1.1. Date, time, and location;
  - 3.2.1.2. Approximate duration;
  - 3.2.1.3. Information about the vehicle stopped, including the state in which the vehicle is registered;
  - 3.2.1.4. Information about the driver, to include race, gender, date of birth, and the state and county of residence (if available on the driver's license);
  - 3.2.1.5. Traffic violation(s) committed that led to the stop;
  - 3.2.1.6. Whether a search was conducted as a result of the stop;
  - 3.2.1.7. If a search was conducted, the reason for the search, whether the search was consensual or nonconsensual, whether any person(s) was searched, and whether the property of any person(s) was searched;
  - 3.2.1.8. Whether any contraband or other property was seized in the course of the search;
  - 3.2.1.9. Whether a warning, Safety Equipment Repair Order (SERO), or citation was issued as a result of the stop;
  - 3.2.1.10. If a warning, SERO, or citation was issued, the basis for issuance;
  - 3.2.1.11. Whether an arrest was made as a result of the stop or the search; and
  - 3.2.1.12. Charges placed as a result of the stop.
- 3.2.2. Information is also documented relating to the status of any passenger(s) in the vehicle.
  - 3.2.2.1. If an officer does not know the race of a motorist, **THE OFFICER SHALL NOT INQUIRE.**
  - 3.2.2.2. Officers shall use their best judgment when deciding the race of the motorist, indicating "Other" when the race cannot be determined by the officer.

- 3.2.3. As required by State law, on or before March 1 of a new year, an annual report concerning the Department's traffic stops for the preceding calendar year is submitted by the Department to the Maryland Justice Analysis Center.
- 3.2.4. Any statistical reports generated by the Department are used for quality assurance/customer service measures and as a management tool.
- 3.2.5. At least annually, the Department conducts a documented administrative review of the Department's practices and data collected by officers. The administrative review also takes into account:
  - 3.2.5.1. Complaints or allegations of bias-based policing made about the Department or personnel;
  - 3.2.5.2. Concerns from members of the Chief's Advisory Council of biased-based policing practices;
  - 3.2.5.3. The concerns voiced by the community, including those contained in the monthly Community Concerns Report;
  - 3.2.5.4. The Annual Report submitted to the Maryland Justice Analysis Center;
  - 3.2.5.5. An analysis of the Department's asset forfeitures; and
  - 3.2.5.6. Any other document or message germane to the issue of bias-based policing.
- 3.2.6. The Department will also review the Annual Report issued by the Maryland Justice Analysis Center.

**3.3. Release of Reports Subject to Chief of Police Approval**

- 3.3.1. The data collected is a management tool. Traffic stop information recorded by officers, and any resulting report or analysis shall not be released by the Department.
- 3.3.2. Nothing in this directive is to be construed to limit an authorized Department member from releasing or sharing information with the Montgomery County Police or another law enforcement agency.

#### **4. TRAINING**

##### **4.1. Initial Training**

4.1.1. Initial training on bias-based policing issues is completed at the academy level.

##### **4.2. In-Service or Roll-Call**

4.2.1. On an on-going basis, the Department will provide, or ensure the provision of, training to its officers that govern bias-based policing issues, including legal aspects.

4.2.2. At least annually, the Department will conduct ethics and cultural awareness training.

4.2.3. At least annually, the Department will conduct a documented review of this policy for all affected personnel.

#### **5. CORRECTIVE MEASURES**

##### **5.1. If Bias-Based Policing is Suspected**

5.1.1. The Department will investigate all allegations or complaints of bias-based policing.

5.1.2. Appropriate corrective measures shall be taken by the Department if bias-based policing is suspected or confirmed. The corrective measures to be taken may include:

5.1.2.1. Counseling members by supervisory or command personnel;

5.1.2.2. The provision of additional training; and/or

5.1.2.3. Taking punitive actions.

5.1.3. Complaints or allegations of bias-based policing shall be referred to the Internal Affairs function for investigation and complaints against officers shall be handled pursuant to the provisions of t General Order 208.1 – Disciplinary System, General Order 209.1 - Internal Affairs, and General Order 208.4 Police Accountability Board Process.