

# Bias-Based Policing

## 401.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the St. Mary's County Sheriff's Office'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 office'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 St. Mary's County Sheriff's Office 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 office 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 a deputy 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 St. Mary's County Sheriff's Office 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 office 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 a supervisor. Members shall, when reasonable to do so, intervene to prevent any bias-based actions by another member.

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#### **401.4.1 REASON FOR CONTACT**

Deputies 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 deputy 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 deputy to document a contact that would not otherwise require reporting.

#### **401.4.2 REPORTING TRAFFIC STOPS**

Deputies 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 a deputy to make an arrest, conduct a search or seizure, or otherwise fulfill the deputy's law enforcement obligations (Md. Code TR § 25-113).

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

For further information related to Reporting Traffic Stops, see the Saint Mary's County Sheriff's Office LE Procedures Manual: [Documenting Motor Vehicle Stops](#) and [Responsibilities](#).

#### **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 deputy and his/her supervisor in a timely manner. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, Body Worn Camera (BWC) video, Mobile Data Browser (MDB) data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
  - (a) Supervisors should document these periodic reviews.
  - (b) Recordings or data that capture a potential instance of bias-based policing shall be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors shall take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

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**401.6 OFFICE OF PROFESSIONAL RESPONSIBILITIES**

- (a) All instances of bias based complaints or infractions shall be forwarded to the Office of Professional Responsibilities for investigation.
- (b) The Office of Professional Responsibilities shall maintain data relating specifically to complaints of biased policing. Information shall be provided to the Sheriff or designated authority in a manner most suitable for administrative review, problem identification, and development of appropriate corrective actions.

**401.7 STATE REPORTING**

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

**401.8 ADMINISTRATION**

The Office of Professional Responsibilities (OPR) should review the efforts of the Office to provide fair and objective policing, including traffic stop data, and submit an annual report, including public concerns and complaints, to the Sheriff. The annual report should not contain any identifying information about any specific complaint, member of the public or deputy. It should be reviewed by the Sheriff 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 OPR supervisor 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).

**401.9 TRAINING**

All sworn members will receive Implicit Bias training at initial hire while assigned to the Southern Maryland Criminal Justice Academy (SMCJA) and refresher training on an annual basis. (Md. Code PS § 1-306(e)(2)).