

## FREDERICK POLICE DEPARTMENT GENERAL ORDER

**Section 7:** Force, Detention, and Arrest **Order Number:** 702  
**Topic:** BIAS BASED PROFILING/DISCRIMINATORY PRACTICES **Issued by:** Chief of Police  
**Approved:** 12/03/19  
**Review:** Annually in December by the Professional Services Division Commander  
**Supersedes:** G.O. 702 dated 09/01/04

### **.01 PURPOSE:**

To affirm the Department's commitment to providing unbiased law enforcement services and ensuring the constitutional protections of the citizens we serve.

### **.02 CROSS-REF:**

G.O. [311](#), "Motor Vehicle Stops"  
G.O. [314](#), "Vehicle Stop Documentation and Analysis"  
G.O. [750](#), "Citizen Contacts and Detentions"  
G.O. [1650](#), "Standards of Employee Conduct"  
G.O. [1655](#), "Police Officer Conduct"

### **.03 DISCUSSION:**

Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e., that a violation is occurring or has occurred.

### **.04 POLICY:**

The Department recognizes the legitimacy of criminal profiling. However, the selection of persons for police detention based solely on common traits of a group is unacceptable, illegal, and will not be tolerated. Officers will have reasonable suspicion supported by specific articulable facts that any person detained has been, is, or is about to commit a violation of law or currently presents a threat to his safety or the safety of others. All enforcement actions will be based on reasonable suspicion or probable cause as required by statutes and the 4<sup>th</sup> Amendment of the U.S. Constitution. Investigations will be conducted without regard to race, ethnicity, age, gender, sexual orientation, religion, economic status or cultural group. The Department is committed to impartial policing.

### **.05 DEFINITIONS:**

**BIASED BASED PROFILING** - The arrest, detention, interdiction, or other disparate treatment of an individual on the basis of the race, ethnic background, age, gender, sexual orientation, religion, economic status, cultural group or other identifiable group of such individual, rather than upon individualized suspicion based upon articulable facts.

### **.10 GENERAL:**

1. Members of the Department will not engage in Bias Based Profiling. Members will not consider the common traits of a group to establish reasonable suspicion nor probable cause EXCEPT when the reported trait of specific suspects, based on credible, reliable, and current information, links a person to a specific crime or quasi-criminal incident based on a credible report.
2. Members will clearly articulate the specific police or public safety purpose of any stop/detention whenever they submit a report.

3. Persons will not be singled out or otherwise treated differently because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or other identifiable groups, or other potentially improper criteria.
4. The detention of any individual that is not based on factors related to a violation of law, city ordinances, or any combination thereof, is prohibited. Asset forfeiture and forfeiture efforts will also be based upon the law and will not be motivated by bias based profiling.
5. Officers will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing. These techniques and strategies include, but are not limited to:
  - A. Being courteous, polite, and professional.
  - B. Providing their names and Department information and explaining reasons for the stops as soon as practical unless doing so compromises the safety of officers, others, or would compromise a police investigation.
  - C. Ensuring the lengths of traffic stops, investigative detentions, field contacts, etc., are no longer than necessary to undertake appropriate actions.
  - D. Answering questions citizens may have, including any options for dispositions of related enforcement actions.
  - E. Explaining the credible, reliable, or locally relevant information that lead to stops or contacts when no enforcement actions were taken.
  - F. Requesting the presence of a supervisor to allow citizens to voice their field contact or enforcement related concerns.
  - G. Explaining the Department's complaint process.
6. Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

**.20 TRAINING:**

1. Newly sworn members will receive training in the area of bias based profiling and discrimination during their initial training in the academy.
2. Officers will receive periodic training in subjects that promote and encourage impartial policing. Applicable training subjects may include, but are not limited to laws of arrest, officer safety, courtesy, cultural diversity, search and seizure, asset seizure and forfeiture, interview techniques, interpersonal communication skills, and constitutional and case law.
3. Additional diversity and sensitivity training will be designated for members with sustained bias based profiling or other sustained discrimination complaints filed against them if warranted.

**.30 DUTIES OF EMPLOYEES:**

1. Any employee who believes there is, or is made aware of any violation of this Order, will immediately report the violation to a supervisor.

2. All complaints of bias based profiling or discriminatory practices will be investigated by the Professional Services Division (PSD) in accordance with the procedures established by the Department. Violations of this policy, or portions thereof, will result in remedial training and/or disciplinary action as set forth in the Department's applicable general orders.
3. Each supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that members' actions and activities adhere to this policy and to discover any indications of bias based profiling or discriminatory practices.

**.40 ADMINISTRATIVE REVIEW:**

1. Annually in the first quarter of the annual year the PSD Commander or his designee, will conduct a review of agency activities in regard to bias based profiling, which includes the following:
  - A. A listing of any complaints and their status;
  - B. An explanation of any remedial action taken;
  - C. Recommendations for training needs;
  - D. A listing of any citizen complaints; and
  - E. Recommendations for policy changes.
2. This review may be in conjunction with PSD's annual statistical summary of internal investigations.
3. If there are any indicators/suspicions of biased based profiling by a member of the agency, the PSD Commander will consult with the officer's supervisor to develop a plan of action for remedial action/correction if warranted.