



GENERAL ORDER OPS-56 IMPARTIAL ENFORCEMENT

EFFECTIVE MARCH 27, 2019

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD) is committed to the protection of human and civil rights for all people and carrying out law enforcement responsibilities in a nondiscriminatory manner in accordance with the Constitution of the United States. The Department will ensure that every person is treated fairly and provided equal protection under the law.

II. DEFINITIONS

- A. **Bias-Based Profiling:** Any type of enforcement or police action initiated on factors including but not limited to age; cultural group; disability; ethnicity; gender or gender identity; housing status; immigration status; national origin; race; religion; or sex, sexual identity, or sexual orientation, rather than reasonable articulable suspicion or knowledge of unlawful activity.
- B. **Documentation:** Completed forms that identify the details of a police contact, specifically: Maryland Uniform Complaint and Citation (State Citation); Maryland Safety Equipment Repair Order (SERO); HCPD Warning (Warning); Incident Report (IR); and Field Interview Report (FIR).
- C. **Investigative Stop:** A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer; a citizen; communications such as BOLOs; or by independent investigation.
- D. **Motor Vehicle Stop:** Whenever a police officer stops a motor vehicle and detains the occupants to investigate a crime, traffic offense, equipment violation, or take other law enforcement action. This includes traffic stops and investigative stops.
- E. **Reasonable and Articulable Suspicion:** Information known to an officer at the time he initiates action that would lead an officer to reasonably suspect that the subject of the information is involved in a violation of criminal or traffic law.
- F. **Traffic Stop:** A motor vehicle stop initiated as the result of an observed or reported violation of the criminal or traffic code. This includes Radar-, Laser-, and VASCAR-based motor vehicle stops. The report of a traffic violation may originate with another officer, a citizen witness, or Communications.

III. GUIDING PRINCIPLES

- A. **Biased-based profiling** is prohibited in carrying out all law enforcement actions, including traffic contacts, issuance of citations, field contacts, asset seizure and forfeiture, and animal control matters.¹

1. Participation in bias-based profiling may lead to disciplinary action, including dismissal.²
 2. All law enforcement actions such as traffic stops, investigative stops, arrests, and searches and seizures will be based on reasonable and articulable suspicion or probable cause as required by State statutes, the State Constitution, and the U.S. Constitution.³
 3. Officers must be able to articulate specific facts, circumstances, and conclusions that support their actions.⁴
- B. Nothing in this or any other written directive, including General Order OPS-42, Criminal and Civil Citations, alters an officer's authority to conduct enforcement actions, make an arrest, conduct a search and seizure, or otherwise fulfill his law enforcement obligations.
- C. All members will receive initial training and annual re-training that includes the legal aspects of bias-based profiling issues that promotes and encourages impartial policing and prevents the creation, adoption, or use of inappropriate stereotypes.⁵

IV. DOCUMENTING MOTOR VEHICLE STOPS

- A. Documentation is required for every motor vehicle stop.
- B. In accordance with Section 25-113 of the Maryland Transportation Article, the Department must gather all required data elements on every motor vehicle stop for entry into a database to generate statistical reports to the State of Maryland.
- C. Until such time as State and Departmental forms are updated, the Department shall capture additional required information on a Data Supplement Sticker which will be applied to the rear of appropriate documents.
- D. Traffic Stops
1. A State Citation, SERO, or Warning must be completed for every traffic stop.
 2. If the officer determines that no violation occurred (i.e. seatbelt was not evident but was in use, apparent equipment violation did not actually exist, etc.) the officer may conclude the stop without issuing any documentation to the vehicle operator. The officer shall then complete the appropriate sections of the HCPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded.
 3. Initiating an arrest as the result of a traffic stop does not relieve the officer from issuing a State Citation, SERO, or Warning to address the initial violation that warranted the traffic stop.
- E. Investigative Stops
1. Appropriate documentation is mandatory for every investigative stop.
 2. FIRs should be used when appropriate.
 3. Portions of the Warning form may be used to document investigative stops that do not require an IR or FIR. This would be appropriate for BOLO-based stops where the vehicle or occupant was swiftly eliminated as being involved in the criminal activity.

² CALEA 1.2.9a

³ CALEA 1.2.9a

⁴ CALEA 1.2.9a

⁵ CALEA 1.2.9b

4. When portions of the Warning form are used to document an investigative stop where no violation occurred, no copy should be issued to the motor vehicle operator.
 5. Should a State Citation, SERO, or Warning be issued as the result of an investigative stop, the data collection sticker shall be completed. Officers issuing an electronic citation, SERO, or Warning will not need to use the data collection stickers as the required data is automatically collected.
- F. Terminated Stops
1. The requirement to document all motor vehicle stops shall not prevent an officer from abruptly diverting to respond to a priority call (i.e. Priority One Call, Signal 1, etc.).
 2. If necessary, the officer should briefly explain his actions to the violator and respond to the priority call without issuing any documentation to the violator. The officer shall later complete the appropriate sections of the HCPD Warning to document the stop. This will allow the date, time, location, officer, and reason to be recorded.
- G. Officers are reminded that, consistent with General Order ADM-11, Departmental Reporting System, a report is required for all searches including those that result from a motor vehicle stop.

V. RESPONSIBILITIES

- A. Officers
1. Non-biased policing
 - a. Officers shall ensure that all law enforcement actions are not based on factors including but not limited to age; cultural group; disability; ethnicity; gender or gender identity; housing status; immigration status; national origin; race; religion; or sex, sexual identity, or sexual orientation.
 - b. The fact that an individual rides a motorcycle or wears or displays motorcycle clothing or paraphernalia cannot be the sole reason, without reasonable suspicion or probable cause, to stop, question, take enforcement action, arrest, or search the individual or vehicle.
 2. Officers shall ensure that all required data elements are collected from each traffic stop, with the exception of terminated stops and those where no actual violation occurred, by properly completing all fields on the Citation, SERO, Warning, and the Data Supplement Sticker.
 3. Officers shall promptly submit all documentation of motor vehicle stops to their immediate supervisor for review and approval.
- B. Supervisors shall:
1. Ensure that all submissions, including Data Supplement Stickers, are completed properly;
 2. Provide instructions to officers on current data collection procedures as revised forms and/or stickers are published; and
 3. Review all motor vehicle stop documentation prior to submission to the Records Section.
- C. The Records Section Supervisor shall:
1. Return any documentation that fails to provide all mandated data to the appropriate supervisor;

2. Ensure the proper data entry and reporting of motor vehicle stop data and generate all mandated statistical reports; and
 3. Conduct and document annually an administrative review of all traffic stop data and submit the report to the Chief of Police via the Chain of Command.
- D. The Internal Affairs Division Commander shall conduct and document an annual administrative review of all documents associated with any claim or allegation that police action occurred as a result of bias-based profiling, as well as all available data regarding use-of-force, traffic contacts, or other police actions. The findings shall be submitted to the Chief of Police for his review.
- E. The Commander of the Vice and Narcotics Division shall conduct and document a quarterly administrative review of documents involving asset seizure and forfeiture. The findings shall be submitted to the Deputy Chief of the Investigations and Special Operations Command via the Chain of Command for his review.
- F. The Commander of the Information Management Division shall:
1. Approve and publish updated forms as needed to meet TR 25-113, State reporting requirements, and efficient Departmental operations; and
 2. Work with the Professional Standards Section to modify directives, forms, and databases to ensure full compliance with TR 25-113.
- G. The Deputy Chief for Administration shall ensure periodic review and external dissemination of motor vehicle stop data.
- H. The Human Resources Bureau Commander shall ensure that all members receive initial training in subjects that promote and encourage impartial policing.
- I. The Chief of Police will ensure that yearly administrative reviews are conducted to examine the Department's commitment to impartial policing, which shall include the review of the Maryland Statistical Analysis Center annual report. The reviews should include but are not limited to Departmental policies, practices, statistical data analysis, expressed citizen concerns and any corrective actions taken.⁶

VI. DATA ANALYSIS

- A. The Records Section Supervisor is responsible for:
1. Ensuring the entry of motor vehicle stop data into appropriate databases;
 2. Meeting the data collection requirements of TR 25-113; and
 3. Generating all mandated statistical reports.
- B. Internal Departmental statistical reports are confidential and will be produced on an as-needed basis and shall be provided to the Chief of Police, the Internal Affairs Division, the Quality Assurance Unit, and others that the Chief of Police may specifically designate.
- C. Notable statistical irregularities or complaints alleging that officer(s) are conducting policing activities in violation of Departmental policy will be investigated in accordance with General Order ADM-02, Internal Investigations. The Internal Affairs Division will include related complaint information in the yearly statistical summary.

⁶ CALEA 1.2.9c

VII. CANCELLATION

This General Order cancels and replaces General Order OPS-56, Impartial Enforcement, dated May 20, 2013.

AUTHORITY:



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