

# La Plata Police Department – General Orders

	Title: <b>Bias Based Profiling</b>		Order #: <b>716</b>	
	Effective Date: September 1, 2014	Review Date:		
	Original Issue:			
<input type="radio"/> New <input type="radio"/> Amends <input checked="" type="checkbox"/> <b>Rescinds-Order C 7</b>				
Approved by: <b>Chief Carl Schinner</b>				CALEA 5 <sup>th</sup> Edition
CALEA Standard: 1.2.9				Pages: 3

**01 PURPOSE:** The purpose of this Order is to state unequivocally that law enforcement activities, including traffic contacts, field contacts and asset seizure and forfeiture, which are the result of biased based profiling, are not condoned, are unacceptable, and will not be tolerated by the La Plata Police Department. Bias based profiling is unethical and illegal, and serves to foster distrust of all law enforcement by the community we serve.

**02 POLICY:** It is the policy of the La Plata Police Department to patrol in a proactive manner, to actively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle and criminal laws, while insisting that citizens will only be stopped or detained when there exists reasonable articulable suspicion to believe that they have committed, are committing, or are about to commit a violation of the law. It is the policy of the Department to protect the fundamental rights of all citizens, to ensure equal protection under the law and freedom from unreasonable searches and seizures, as provided in the United States Constitution.

**03 DEFINITIONS:**

- A. Biased Based/Racial Profiling:** Any police initiated action that relies on the race, ethnicity, sexual orientation, religion, economic status, age, culture, gender characteristics, national origin, or some other identifiable group rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.
- B. Reasonable Articulable Suspicion:** May also be referred to as RAS. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a reasonable person in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with that officer’s training and experience, and/or reliable information received from credible outside sources.

**04 TRAINING:**

- A.** All sworn officers receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural and human diversity, and the laws governing search and seizure, and interpersonal communication skills.
- B.** Training programs will emphasize legal aspects of bias based profiling and stress the need for each officer to respect the rights of all citizens to be free from unreasonable government intrusion or police action.

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## **05 ENFORCEMENT:**

- A.** The La Plata Police Department will direct its efforts toward assigning officers to those areas where there is the highest likelihood that motor vehicle collisions will be reduced and crimes prevented through a proactive police patrol or presence
- B.** Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable articulable suspicion that they may have committed, are committing or are about to commit an infraction. Each time a motorist/pedestrian is stopped, the officer shall radio to the Charles County Sheriff's Department's Communication Center the location of the stop and the description of the person or vehicle involved.
- C.** Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
- D.** Appropriate traffic enforcement action shall always be completed in the form of a warning, equipment repair order, citation or arrest.
- E.** All field contacts will be recorded on a Field Information Report.

## **06 COMPLAINTS OF BIAS BASED PROFILING:**

- A.** The perception that some police officers are engaging in racial profiling creates resentment and distrust of the police, making some members of the community less willing to trust and confide in police officers, report crimes, participate in problem-solving activities, be witnesses at trials or serve on juries.
- B.** The Department encourages any person who feels they have been stopped or searched based on racial, ethnic or any other form of bias based profiling by an officer of this agency to file a complaint with the La Plata Police Department.
- C.** No person shall be discouraged, intimidated or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- D.** Officers contacted by a person who wishes to file such a complaint, shall assist the citizen in directing that person to the on-duty Shift Supervisor.

## **07 CORRECTIVE MEASURES:**

- A.** The Department will monitor data concerning officers' contacts with citizens and filed complaints to ensure that policies concerning bias based profiling are being followed.
- B.** If information indicates an officer is engaging in bias based profiling, that officer will be closely monitored. If a pattern of bias based profiling is clearly identified, necessary corrective measures, through the use of progressive discipline, will be taken in the form of counseling, remedial training and/or disciplinary action, up to and including termination.

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- 08 ANNUAL REVIEW:** Annually, the Department will conduct a documented administrative review of agency practices including any citizen concerns or complaints. The review will include TSDS, Field Information Reports, and asset seizures and forfeitures.