



OFFICE OF THE COUNTY SHERIFF

Montgomery County, Maryland

Darren M. Popkin, Sheriff

Administrative Directives



<u>Subject:</u> Bias Based Profiling	<u>Number:</u> 1.06A	<u>Effective Date:</u> 08/26/15
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Policy: The purpose of this directive is to ensure that all law enforcement actions or activities conducted by deputies of this office are accomplished in a nondiscriminatory manner.

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I. Legal Aspects

Bias based profiling is a form of discrimination and may lead to claims of civil rights violations in both state and federal courts. Bias based profiling undermines legitimate law enforcement efforts, alienates citizens, fosters distrust by the community, invites media scrutiny, legislative action, and judicial intervention.

II. Prohibitions (1.2.9.a)

- A. Deputies are prohibited from using an individual's sex, age, race, color, national origin, religion, marital status, political affiliation, disability, sexual preference or any other basis prohibited by county, state, or federal law as the sole justification to initiate any law enforcement action or activity. This prohibition is to ensure that all law enforcement actions and activities, ***including traffic contacts, field contacts and asset seizure and forfeiture efforts*** are conducted in a nondiscriminatory manner. ***This prohibition*** does not alter the authority of a deputy sheriff to make an arrest, conduct a search or seizure, or otherwise fulfill their law enforcement obligations.

- B. When undertaking law enforcement actions or activities, deputies must focus on the individual's conduct or other specific suspect information. Deputies must have a reasonable suspicion supported by articulable facts that the individual contacted regarding their identification, activity or location, has, is, or is about to commit a violation of the law or is currently presenting a threat to the safety of themselves or others.

III. **Complaints or Concerns**

All complaints or concerns alleging bias based profiling must be forwarded to the Chief Deputy in accordance with General Orders/Personnel Procedures 2.03, Disciplinary Process *for Sworn Employees and General Orders/Personnel Procedures 2.04, Disciplinary Process for Civilian Employees*. Sustained findings of a violation of the bias based profiling policy of the Sheriff's Office may subject deputies to disciplinary action. **(1.2.9.c)**

IV. **Annual Analysis (1.2.9.d)**

- A. Annually, the Assistant Sheriff *of Administration* must conduct an analysis of office policies and practices of the previous year in regard to bias based profiling and submit a written report to the Sheriff. The following information must be included in the report:
 - (1) A summary of any complaints filed or concerns expressed alleging bias based profiling by employees of this office, and the findings and corrective or disciplinary action taken.
 - (2) An analysis of any asset seizures and forfeitures initiated by this office with the adult demographics of the county.
 - (3) An analysis of traffic stops initiated by this office in respect to the appropriate demographics of the county.
 - (4) A comparison of traffic stops initiated by this office with other law enforcement agencies in the State of Maryland as reported by the Maryland Justice Analysis Center.
 - (5) Any recommendations to the policies or procedures that the Assistant Sheriff believes will strengthen compliance.

V. **Training (1.2.9.b)**

- A. The Assistant Sheriff *of Administration* is responsible for forwarding pertinent court rulings or legal opinions concerning bias based profiling to supervisory personnel.

- B. Section Lieutenants must ensure all deputies assigned to their section receive annual roll-call training on bias based profiling. The training must include a review of this directive and any information provided by the Assistant Sheriff *of Administration*.

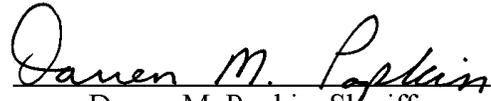
VI. CALEA Standards

1.2.9.a, 1.2.9.b, 1.2.9.c, 1.2.9.d

VII. Cancellation

This directive cancels and replaces Administrative Directive 1.06A, Effective Date 08/03/01

AUTHORITY:


Darren M. Popkin, Sheriff
08/26/2015