

Race-Based Traffic Stops

Index Code: 1904.1

Effective Date: 09/15/03 (Revised 1/10/2017)

I. Purpose

The purpose of this directive is to establish guidelines for conducting constitutionally valid investigative and enforcement traffic stops, articulate how deputies will collect certain information pertaining to these stops, and how the collected data will be used and disseminated. In addition, this policy reinforces procedures that serve to assure the public that the Office of the Sheriff is providing services and enforcing laws fairly, equitably, and impartially.

II. Policy

A. It is the policy of the Office of the Sheriff that all investigative and enforcement traffic stops will be based upon reasonable and constitutionally valid. Deputies are prohibited from using an individual's age, culture, economic status, ethnicity, gender, race, religion, sexual orientation, or any other identifiable grouping as the sole justification to initiate investigative or enforcement traffic stops, investigative field contacts, asset seizure, and/or forfeiture efforts.

B. It is the policy of the Office of the Sheriff that deputies will complete the approved Traffic Stop Data Sheet (TSDS) to record certain traffic enforcement stops if ETIX was not used to document the stop.

C. It is the policy of the Office of the Sheriff that all deputies will receive instruction on the prohibition against bias-based or race-based profiling and develop skills to enhance police-citizen contacts.

D. Biased-based profiling in traffic contacts, field contacts, asset seizures, and all law enforcement actions are prohibited and may lead to disciplinary action.

III. Definitions

A. Profiling

The observation of characteristics and indicators learned through the collective experience of law enforcement officers, which has shown to be relevant in identifying specific criminal actions and are considered accordingly in determining whether or not there is grounds to reasonably believe a stop is appropriate.

B. Bias-Based Profiling

Any police initiated action that relies exclusively on a common trait of a group. This includes, but is not limited to, age, culture, economic status, ethnicity, gender, race, religion, sexual orientation, or any other identifiable group.

C. Race-Based Profiling

Any police initiated action that relies exclusively on race, ethnicity, or national origin of an individual.

D. Enforcement Stop

A stop initiated as a result of an observed violation of a criminal or traffic law.

E. Investigative Stop

A stop based on reasonable suspicion or knowledge of criminal activity. Information may originate with another law enforcement officer or by independent investigation or observation.

F. Pretext Stop

The United States Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. This type of traffic stop is known as a "Pretext" stop.

G. Reasonable Suspicion

Actions taken by a deputy must be reasonable under the existing circumstances, and based on the deputy's knowledge at that time. Deputies must be able to point to and describe the specific factors that raised suspicion and led him/her to take action in connection with an investigative or enforcement stop.

H. Reportable Traffic Stop

When a law enforcement officer stops the driver of a motor vehicle, and detains the driver for any period of time for a violation of the Maryland Vehicle Law. This does not include: