

Racial or Bias-Based Profiling

414.1 PURPOSE AND SCOPE

This policy provides guidance to office members and establishes appropriate controls to ensure that members of the Montgomery County Sheriff's Office do not engage in racial or bias-based profiling or violate any related laws while serving the community.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Racial or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

414.2 POLICY

The Montgomery County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

414.3 RACIAL OR BIAS-BASED PROFILING PROHIBITED

Racial or bias-based profiling is prohibited. However, nothing in this policy is intended to prohibit a deputy from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

414.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial or bias-based profiling to a supervisor.

414.4.1 REASON FOR DETENTION

Deputies detaining a person shall be prepared to articulate sufficient reasonable suspicion or constitutional or statutory authority to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed the involved deputy should include those facts giving rise to the deputy's reasonable suspicion, probable cause or statutory authority for the detention, as applicable.

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Nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

414.4.2 REPORTING TRAFFIC STOPS

Each time a deputy makes a traffic stop, the deputy shall report any information as required in the vehicle stop report.

414.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved member and his/her immediate supervisor in a timely manner.
- (b) Supervisors may periodically review Mobile Data Terminal (MDT) data and any other available resource used to document contact between member and the public to ensure compliance with this policy.
 - 1. Supervisors will document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of racial or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this office who discloses information concerning racial or bias-based profiling.

414.6 STATE REPORTING

The Records Section shall submit a monthly report to the Division of Criminal Information consisting of the information gathered from traffic stops as required by.

414.7 ADMINISTRATION

The Field Services Director will review the efforts of the Office to prevent racial or bias-based profiling and submit an annual report, including public concerns and complaints, to the Sheriff. The annual report would not contain any identifying information regarding any specific complaint, member of the public or deputy. It may be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors may review the monthly report submitted to the Division of Criminal Information and Identification and the annual report and discuss the results with those they are assigned to supervise.

