

*Maryland-National Capital Park Police
Prince George's County Division*

DIVISION DIRECTIVE

TITLE IMPARTIAL POLICING			PROCEDURE NUMBER PG304.0
SECTION Duties and Responsibilities	DISTRIBUTION A	EFFECTIVE DATE 07/01/04	REVIEW DATE 07/01/06
REPLACES PG304.0 “ Impartial Policing”, issued 12/10/01			
RELATED DIRECTIVES PG300.0, 306.0, 404.0, 900.0, 1500.0	REFERENCES CALEA 1	AUTHORITY Commander Larry M. Brownlee, Sr.- Division Chief	

I. PURPOSE:

The purpose of the following policy is to establish guidelines for conducting constitutionally valid *traffic stops*. However, this policy should not be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

II. POLICY:

- A. It is the policy of the Maryland-National Capital Park Police that all traffic stops will be based upon reasonable articulable and constitutionally valid suspicions, and not based primarily on a person's race, ethnicity, age, gender, or other, constitutionally impermissible reason.

- B. It is the policy of the Maryland-National Capital Park Police that a record system will be established to track all traffic stops within the meaning of Section 25-113 of the Maryland Transportation Article.

- C. It is further the policy of the Maryland-National Capital Park Police that all sworn members will receive periodic training to reinforce previous training and/or to develop new skills to enhance police-citizen contacts.

III. DEFINITIONS:

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- A. Traffic stop”-Includes any instance 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 of the Transportation Article. Traffic stop does not include:
- (1) A checkpoint or roadblock stop;
 - (2) A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes; or
 - (3) A stop based on the use of radar, laser, or vascar technology.
 - (4) A stop initiated as a result of an observed violation of any criminal laws under Criminal Law Article of the Maryland Code.
 - (5) A stop based of reasonable articulable suspicion or knowledge of criminal activity under Criminal Law Article of the Maryland Code. (Such information may originate with another officer or by independent investigation).
- B. “Reasonable articulable suspicion”- Actions taken by the officer must be reasonable under the existing circumstances and must be based of the officer’s knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicions and led him or her to take action in connection with the traffic stop.

IV. GUIDING PRINCIPLES:

- A. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead *any* knowledgeable, reasonable officer to the same conclusion, i.e., that a violation is occurring or has occurred.
- B. Any consideration, to *any* degree, of a person’s race, ethnicity, age, or gender in law enforcement actions, including traffic stops, is absolutely prohibited. The *only* exception to this standard would occur if one or more characteristics were part of a *specific lookout for a specific suspect, as part of an on-going, detailed investigation*. This lookout exception applies to passengers as well as drivers.
- C. The recording and evaluating of statistical data is a management tool to be used, where appropriate, as a basis for counseling and training, and if deemed necessary, further administrative inquiry.

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V. OFFICER'S RESPONSIBILITIES:

Each time a sworn member makes a traffic stop, that officer shall complete a Traffic Stop Log (or utilize their designated electronic device), in which they include all of the following information:

- (1) The date, time, and specific location of the stop;
- (2) The approximate duration of the stop.
- (3) The specific traffic violation or violations alleged to have been committed that led to the stop;
- (4) Whether a search was conducted as a result of the stop, and, if so, whether the search was consensual or nonconsensual, and whether the search was one of the individual's person, property or both;
- (5) Whether any contraband or other property was seized as a result of the search;
- (6) Whether a warning, safety equipment repair order ("SERO"), or citation was issued as a result of the stop, and, if so, the basis for such being given;
- (7) Whether an arrest was made as a result of either the stop or the search;
- (8) If an arrest was made, the crime charged;
- (9) The state in which the stopped vehicle is registered;
- (10) The gender and date of birth of the driver;
- (11) The race or ethnicity of the driver as:
 - (a) Asian;
 - (b) Black;
 - (c) Hispanic;
 - (d) White; or
 - (e) Other

(In order to avoid an already tense and potentially inflammatory situation, officers should not inquire as to the driver's ethnicity, but rather should use his or her own personal judgment in assessing race and ethnicity.)

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- (12) The state, and, if available on the driver's license, the county of residence of the driver.

VI. MANAGEMENT RESPONSIBILITIES:

- A. The data collected by its officers as described in Section V above for the calendar year shall be submitted to the Maryland Justice Analysis Center no later than March 1 of the following calendar year.
- B. Police management (Lieutenants and above) shall review and evaluate traffic stop data described in Section V above on a regular basis for patterns of prohibited activity.
- C. Police Management shall further provide annual training in addition to roll call training to enhance officer's ability to articulate and document their actions concerning traffic stops. Such training shall be conducted in the form of in-service programs. Training should stress the importance of communication, particularly active listening and non-verbal cues. Further such training should include a review of the U.S. Constitution and relevant case law affecting police-citizen contacts.

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