



**CHEVY CHASE  
VILLAGE  
POLICE  
DEPARTMENT**

*Police Chief: John Fitzgerald*

**GENERAL ORDER: 5-16 CONSTITUTIONAL POLICING**

DATE: 10/10/2016    Pages: 1    ◇    New    ◇    Amended    ◆    Revised 5-16

**I. DEFINITION**

*“Motorcycle profiling” means the arbitrary use of the fact that an individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a factor in deciding to stop, question, take enforcement action, arrest, or search the individual or vehicle.*

**II. POLICY**

Chevy Chase Village Police Officers will base all official actions (investigative stops, traffic stops, field contacts, searches, etc.) upon constitutionally valid grounds (reasonable suspicion; probable cause; consent, etc.) that officers can articulate in a report or in a court of law. Constitutional policing is what every person is entitled to, and it is fundamentally necessary in order to assure that all persons are treated fairly, that the police are trusted, and are viewed as having legitimacy by the community.

Officers are strictly prohibited from taking any action based on improper bias of any kind, whether it be based on race, gender, religion, national origin, sexual orientation, motorcycle profiling or on some other real or perceived characteristic. Such bias (sometimes referred to as ‘profiling’) is wrong, alienates citizens, fosters distrust of law enforcement by the community, and will not be tolerated.

**III. PROCEDURES**

- A. The Department expects officers to enforce criminal and traffic laws in a fair manner and with an appropriate level of discretion. Nothing in this policy is construed to limit an officer’s discretion or alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise do their duty as a police officer.
- B. Officers shall not make decisions or take any action based on a person’s race, color, national origin, gender, sexual orientation, religion, economic status, or citizenship.
- C. The Department collects race-based traffic stop data for submission to the Maryland Governor’s Office for compliance with the provisions of Transportation Article (TA-25-113), and to use the data as a management tool to promote non-discriminatory law enforcement practices.

- 1. Using Etix/Delta +, officers shall enter the required data about each traffic stop in accord with the law.
- 2. Officers must also enter data relating to the vehicle driver.
  - If an officer does not know the race of the motorist, the officer **shall not inquire**; the officer will use his/her judgment in assessing race and ethnicity indicating “Other” when the race cannot be determined.
- D. Statistical reports generated by the Department will be used as a basis for taking corrective action if improper conduct is discovered. The Department will use the reports as a management tool for quality assurance and/or customer service improvement.
- E. The Chief of Police and the Lieutenant will conduct a documented annual administrative review of agency practices including citizen concerns.

**IV. TRAINING**

The Department will provide or ensure that its officers receive training in Constitutional policing including any legal aspects. The training may be included as part of In-Service Training or conducted in scheduled personnel meetings.

**V. CORRECTIVE MEASURES**

- A. The Department will investigate all allegations or complaints of unconstitutional policing.
- B. The Department will take appropriate disciplinary action if such allegation confirmed.
- C. Complaints alleging unconstitutional policing shall be handled as a formal internal affairs investigation pursuant to the provisions of LEOBR and Department policy.

This directive voids the previous version dated 4/13/2016.