

**MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS
LESSON PLAN**

COURSE TITLE: Stop, Search, and Arrest

LESSON TITLE: Fair and Impartial Policing During Stops, Searches and Arrests

PREPARED BY: BPD Education & Training Staff

DATE: June 27, 2020

TIME FRAME	PARAMETERS
Hours: 2.0 Day/Time: 0900-1100	Audience: Experienced officers of all ranks Number: 36 Space: standard classroom
PERFORMANCE OBJECTIVES	ASSESSMENT TECHNIQUE
1. Given a case study to analyze, learners will illustrate the application of procedural justice to stops, searches, and arrests to the satisfaction of the SME/facilitator.	1. Facilitated Discussion
2. Given a case study to analyze, learners will illustrate the application of fair and impartial policing to stops, searches, and arrests to the satisfaction of the SME/facilitator.	2. Case study
3. Given a group discussion, learners will be able to identify protected groups under Policy 317 to the satisfaction of the SME/facilitator.	3. Facilitated discussion and group work
4. Given a case scenario-based exercise, learners will be able to identify elements of Policy 720 concerning interactions with LGBTQ persons to the satisfaction of the SME/facilitator.	4. Group work and feedback

INSTRUCTOR MATERIALS

Slides
White Board

EQUIPMENT/SUPPLIED NEEDED

Television
Computer
Speakers
Extension Cords/Powerstrips
Large Paper for Each Group
Markers

STUDENT HANDOUTS

Discriminatory Policing Prohibited
Person Picking up Trash Case Study Sheets 1-4
Case Study – Disgusting Rap Music
Final Scenarios 1-6

METHODS/TECHNIQUES

Learning group discussion
Listing Exercise
Role-Playing Exercise
Case study analysis

REFERENCES

Draft Baltimore Police Department policies:

Policy 906, Traffic Citations

Policy 1108, DUI/DWI Arrest Procedures

Policy 1106, Warrantless Arrest Procedures and Probable Cause Standard

Policy 1104, Arrest Warrants

Policy 1013, Strip Searches & Body Cavity Searches

Policy 1114, Persons in Police Custody

Policy 1002, Securing and Interviewing Witnesses

Policy 1105, Custodial Interrogations

Policy 1007, Search and Seizure Warrants

Policy 1109, Warrantless Searches

Policy 1505, Foot Pursuits

Policy 317, Fair & Impartial Policing

Policy 720, Interactions with LGBTQ Individuals

<https://www.thedenverchannel.com/news/local-news/boulder-officer-resigns-investigation-complete-after-police-try-to-detain-man-cleaning-outside-home>

<https://www.youtube.com/watch?v=gNOrPXvnIg4>

[file:///C:/Users/H686/Downloads/Powerpoint%20Deck%20PJ3%20Community-%20The%20Science%20of%20Justice-compressed\[2\]%20\(2\).pdf](file:///C:/Users/H686/Downloads/Powerpoint%20Deck%20PJ3%20Community-%20The%20Science%20of%20Justice-compressed[2]%20(2).pdf)

<https://trustandjustice.org/resources/guide/tactical-perception-using-the-science-of-justice-pj3-facilitator-guide>


<https://www.bja.gov/bwc/pdfs/Procedural-Justice-and-Police-Legitimacy-Paper-CPSC-Feb-2015.pdf>

GENERAL COMMENTS

This course will lay the foundation for the remaining two days, so emphasis should be on the re-alignment of policing to meet these goals.

LESSON PLAN: Fair and Impartial Policing

COURSE TITLE: Stop, Search, and Arrest

PRESENTATION GUIDE	TRAINER NOTES
<p>ASK: “From your experience as an officer, how would you classify this interaction between the sheriff and Rambo. What sort of contact is it?”</p> <p>ASK: When does Rambo stop cooperating and start pushing back against the sheriff? What seems to trigger this?</p>	<p>20 Minutes for Slides 1-3 (includes 4 ½ minute video)</p> <p>Slide 1 (4 ½ minute video)</p>  <p>Have the learners watch the case study. Note to the class that this is a clip from the 1982 movie “First Blood.” It portrays the conflict between a returned Special Forces Vietnam veteran and the law enforcement establishment of a small Washington town. The film is noted for its violence and high energy, but it is also a note-worthy discussion of the ramifications of discriminatory policing and injustice.</p> <p>Ask for hands and responses. Expect answers such as: “This goes from an encounter, to a stop, to an arrest.”</p> <p>After the sheriff makes it clear that he’s not interested in treating Rambo fairly and that his motives</p>

ASK: “When you look at the behavior of this law enforcement officer, do you see any parallels with our history policing in some of Baltimore’s neighborhoods? Explain your answer.”

ASK: “Apart from stopping people – is there any history of searching people without justification?”

I. ANTICIPATORY SET

In our use of force training several months ago, we talked about the concept of police legitimacy and how using force can either build or undermine our legitimacy. Justified force—force that is necessary, reasonable and proportional—builds our legitimacy because the community sees that we are doing what we are empowered to do, and not more than we are empowered to do, to enforce the law. On the other hand, unjustified force—force that is unnecessary or unreasonable or non-proportional—undermines our

of their appearance”
“Bias”

Ask for hand and responses.

Expect answers such as:

“We’ve been known to stop blacks and other people of color in predominately white neighborhoods.”

“We’ve been known to stop whites in predominately black neighborhoods assuming that they are there to buy drugs.”

Ask for hands and responses.

Expect answers such as:

“pocket surfing”

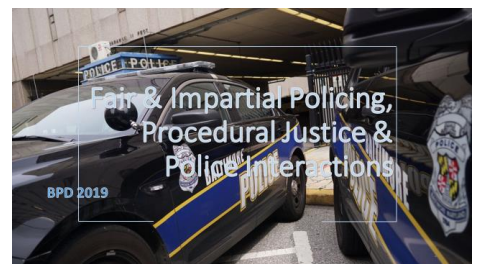
“strip searches”

“planting evidence”

“no PC or RSA for the search”

“GTTF”

Slide 2



Introduce yourself to the class and present the Anticipatory Set.

legitimacy, because the community comes to see us as abusing our authority.

The exact same thing is true of stops, searches, and arrests. When we follow policy, treat people fairly, and conduct justified stops, searches and arrests, we build our legitimacy because the community can see that we are properly exercising our authority to investigate and fight crime—not abusing it. On the other hand, when we stop, search or arrest someone without adequate justification, we undermine our legitimacy, and we lose the community’s trust, because it looks like we’re just harassing people. When we ‘pull someone up’ without Reasonable Articulate Suspicion (RAS) or Probable Cause (PC), we undermine the Constitution and public trust.

The way we stop and search someone is the way we either show or don’t show respect for their rights and their humanity. It makes a huge difference. If we care about this country and the legitimacy of this job, we have to do stop, search and arrest properly.

It’s no secret that, in some places in the City, we are seen as less legitimate, or even illegitimate, precisely because people see a history of being stopped, searched and arrested without adequate justification.

The purpose of this module is to explore how that view might have developed and how our everyday interactions with people can serve either to enhance our legitimacy as law enforcement officers or diminish it.

You have previously taken classes on fair and impartial policing (FIP) and procedural justice (PJ). In this lesson we will review a few key points about FIP and PJ, explain how they are related to police legitimacy, and examine how all that specifically relates to stops, arrests, and searches. We will also examine how all that relates to police interactions with LGBTQ persons. And we will focus on key elements of Policies 317 and 720.

Everyone has bias and this class is meant to provide the

Slide 3

OBJECTIVES

1. Understand and be able to explain procedural justice and how it applies to stops, searches, and arrests.
2. Understand and be able to explain fair and impartial policing and how it applies to stops, searches, and arrests.
3. Be familiar with BPD Policy 317 including protected groups and avoiding discriminatory policing.
4. Be familiar with BPD policy 720 designed to protect the rights and dignity of LGBTQ persons.

tools of procedural justice and impartial policing to be able to prevent discriminatory policing, as documented in policy 317.

Policy 720 is specific to the LGBTQ+ community. That policy contains language that may be new to a majority of folks but is important to interactions. Not being sensitive to language preferences can very easily be seen as bias despite good intentions.

I. INSTRUCTIONAL INPUT (CONTENT)

Procedural justice (PJ) is about fair policing.

The main point is that how much people trust and support the police depends a lot on whether they think police treat people fairly. “Does this officer believe that I count?”

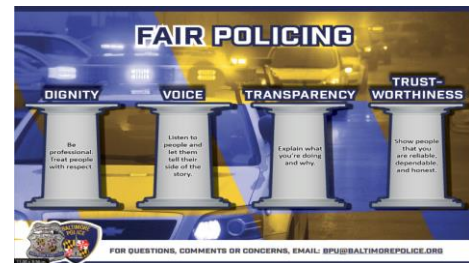
There are 4 factors to PJ:

- Voice –People want the ability to tell their side of the story
- Dignity– Being professional and treating people with concern for their rights
- Transparency – Knowing that the decision making process is neutral, generally through transparency
- Trustworthiness – People want to trust the motives of authorities. They want to believe that authorities are well-intentioned.

ASK: Why does this poster refer to the pillars of procedural justice as “Fair Policing”?

20 minutes for Slides 4-9

Slide 4



Point out poster on the wall. The content is the same

Because the whole point of procedural justice is to ensure that the process is fair and seems fair to all involved.

<p>Public trust and support is also affected by the crime rate, whether crimes get solved, and whether police are well trained, among other factors. But the biggest factor seems to be peoples' perception of whether the police are open, honest, and respectful.</p> <p>ASK: "What are some reasons why public trust in police matters?"</p> <p>ASK: Commissioner Harrison has stated that the killing of George Floyd at the hands of law enforcement was "shocking to the conscience." He stated that "this does not represent the calling of our officers to serve and protect with dignity and respect." Do you think the public agrees? How has that impacted our ability to do our jobs effectively?</p> <p>ASK: What can we do to regain trust with the community that we serve?</p>	<p>Ask for hands and responses. Expect answers such as: "More cooperation from victims, witnesses, etc." "More support for the police department's needs." "More respect for individual police officers." "People are more willing to obey the law and let police do their jobs."</p> <p>Expect answers such as: More pushback when asking for cooperation Seen as less trustworthy</p> <p>Expect answers such as: Go above and beyond what people expect. Emphasize human dignity, give people voice, be transparent, and make our motives beyond question.</p>
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Fair and impartial policing (FIP) is mainly about overcoming the bias that we all have – not just police, but everybody. You have studied this before, including the brain science that explains it. It's simply part of human nature. As police, however, we have to minimize it as much as possible.

The "Fairness" in FIP is Procedural Justice

The "Impartial" part of FIP relates to:

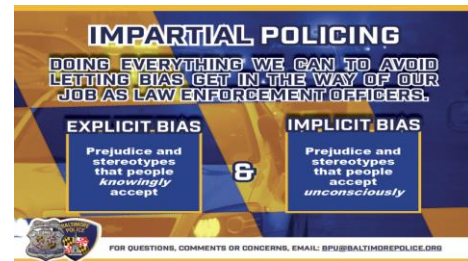
- Policing with awareness of bias
- Anyone's decisions and actions can be affected by bias, whether conscious & intentional or unconscious/implicit
- Bias can affect what we perceive as suspicious, disorderly, or dangerous
- This can affect the public when they report situations that they think need police attention
- Can also affect police when we are sizing up people and situations

ASK: Why does this poster talk about freedom from bias as "Impartial" policing?

Policy 317 spells out some actions you will be expected to take, whenever possible, when carrying out stops, searches, and arrests.

You already addressed some of these issues in the last lesson, but if you're not sure, refer to 317 for further

Slide 5



Refer to Poster

"Impartial" means that you don't play favorites. Biases make it more likely that you'll favor one side or another. Understanding our biases helps us recognize them and avoid falling for their traps.

Slide 6

Reinforcing Fair Policing



What can an officer do to reinforce "fair policing" while performing a...

- Investigative stop
- Weapons pat-down
- Consent Search
- Vehicle Tow
- Arrest

<p>guidance.</p> <p>Consider references to the Rambo video to help explain:</p> <p>Voice: it is important to ask folks questions, we do this as a part of CDM with gathering information at a scene, etc. The Sheriff asked Rambo questions but he was answering a lot of them on Rambo's behalf (Filling in with his own idea of who he thought he was). He was also acting as though he were the only voice of the entire town.</p> <p>Dignity: this goes to being aware of how we respond when people do voice their opinions. The way that Sheriff responded to Rambo, when he actually let him answer questions he posed, was with a lack of respect.</p> <p>Transparency: This is another place to point to how CDM model alongside PJ practices outlined in policy. The Sheriff demonstrated how his explicit bias escalated the situation and prohibited him from any kind of neutral decision making.</p> <p>Trustworthiness: Rambo's distrust of the Sheriff is seen in his actions after he gets out of the vehicle. The Sheriff says there's another town x miles away but Rambo turns back to walk toward the town.</p> <p>ASK: What can an officer do to reinforce "fair policing" while performing a...</p> <p>Investigative stop</p> <p>Weapons pat-down</p> <p>Consent Search</p> <p>Vehicle Tow</p> <p>Arrest</p> <p>For each response, ask them which aspect of procedural justice their response reinforces: Voice, Dignity, Transparency, Trustworthiness</p>	<p>Answers may include:</p> <ul style="list-style-type: none"> * Introduce yourself. * Explain the reason for the contact as soon as possible, unless it would compromise the investigation or safety. * Ensure the stop does not last longer than reasonably necessary. * Explain any reasonable delays. * Answer any questions. * Provide name and badge number when requested. * If the RAS for the stop is dispelled or the stop was made in error, explain why the error was made and apologize for any
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ASK: “Do any of these requirements seem unreasonable or problematic?”

BPD Policy 317 also prohibits discriminatory policing. There are no magic formulas to eliminate bias and stereotyping, but, as police, we must try our best not to let bias affect our behavior, including how we conduct stops, arrests, and searches.

ASK: “What are some ways that we, as police, can try to keep bias from affecting our behavior?”

inconvenience.

Ask for hands and responses.

Expect responses such as:

“These aren’t practical on the street.”

“These actions will compromise officer safety.”

“These requirements are really just common courtesy.”

Be sure to point out:

1. This is how we would like our own family members to be treated.

2. This helps build public trust and support.

3. It does say “whenever possible.”

4. It does say “unless it would compromise the investigation or safety.”

Slide 7

The policy of the BPD is to treat all members of the public in a fair, respectful, impartial, and non-discriminatory manner. Discriminatory Policing... is prohibited.
- Policy 317

Are there any characteristics that might make someone more likely to be unintentionally discriminated against by police?



Ask for hands and responses, prompt as necessary.

Expect answers such as:

“Be aware of our tendency to stereotype.”

“When possible, slow down and reflect on what we are about to do.”

“See the individual, not the

ASK: Are there any characteristics that might make someone more likely to be unintentionally discriminated against by police?

Policy 317 lists groups of people who are specifically protected against discrimination under the policy. You should be familiar with this list.

ASK: “Would Rambo have fit in any of these categories?”

Group Activity: Watch this short video case study and consider the police-citizen interaction from the perspectives of public trust, procedural justice, and Policies 317 and 1112.

From the Boulder Colorado investigation:

category.”

“Diversify the people we are exposed to – making voluntary contacts is important so we see the good sides of all kinds of people.”

Expect answers related to the groups listed in Slide 8

Slide 8

Discriminatory Policing Groups Protected Under Policy 317

- | | |
|---|-----------------------------|
| • Age | • Language ability |
| • Disability status (including physical disabilities) | • Mental illness |
| • Economic status | • National origin |
| • Familial status | • Political ideology |
| • Gender expression | • Race, ethnicity, or color |
| • Gender identity | • Religion |
| • HIV status | • Sex assigned at birth |
| • Homelessness | • Sexual orientation |
| • Immigration status | • Social status |
| | • Veteran status |

Ask for hands and responses.

Expect answers such as:

“Homelessness”

“Political ideology”


“Social status”

“Veteran status”

Slide 9



Have learners watch the video. Explain that it is BWC video of an

<p>ASK: Was this interaction FAIR so far? (Refer to poster)</p> <p>ASK: Was this interaction IMPARTIAL? Could implicit bias have played a role in this situation? How?</p> <p>ASK: What could this officer have done differently to address this situation?</p> <p>The man walks away from the officer, frustrated</p> <p>ASK (At end of this clip): What options did the officer have at this point?</p> <p>ASK: What is the danger in calling for more units in this situation, stating that you're dealing with an armed subject?</p>	<p>trustworthiness</p> <p>It's possible that the officer treated the man as more likely to be engaged in criminal activity due to his age, race, sex, and hair/dress.</p> <p>Compare back to Rambo video where the officer's bias escalated the situation.</p> <p>Not approached, kept conversation non-confrontational, investigated before attempting the stop, etc.</p> <p>Slide 10</p>  <p>De-escalate Withdraw Give the man his ID back and go about his business Check with residents in the building</p> <p>They're going to risk their lives getting to you They're going to come in with a pre-conceived notion that the suspect is armed and dangerous You may lead one of them to use more force than the situation calls</p>
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More units arrive on scene

ASK : What efforts could have been taken by the other officers to de-escalate at this point?

Supervisor arrives on scene and receives a briefing.

Pay attention to the supervisor's comments. What's the subtext?

for

Slide 11



Intervene

“Tag out” with the initial officer

Have officer give the ID back and withdraw

Check with apartment residents

Holster weapons

Slide 12



Group Activity (10 minutes)

Have each group (table) discuss the video case study and develop answers to the questions on Attachment A. Allow 5 minutes to discuss the interaction and then have report-outs for another 5 minutes.

Expect answers such as:

“There was no RAS so it was a field interview. The guy should have been free to leave and go

ASK: How would you assess this interaction in light of BPD Policies 317 and 1112?

ASK: Think about the person picking up trash. How would he assess this interaction in light of the procedural justice principles of voice, dignity, transparency, and trustworthiness?

about his business.”

“It was fine for the officer to check out the situation but he took it too far.”

“The officer’s actions were probably affected by bias based on economic and social class.”

“The encounter should be documented on a Citizen Contact Receipt.”

He provided identification, but wasn't required to.

“No fairness at all. I presented him with my college ID and he persisted. A college ID should be enough on college property, thus I am being held to an unfair standard.”

“I was not given voice. I showed my ID and repeatedly explained why I was there, but it made no difference.”

“Yes, the officer did explain what he wanted and why he was there. But his later decisions, in terms of force, backup, etc. were unreasonable and out of proportion to the situation.”

“There was no impartiality. The officer was determined to see me as a threat no matter what I said or did. If I was older or wearing a nice suit he never would have treated me that way.”

They would have thought the officer was harassing the person picking up trash. Their opinion of the police would suffer. It would probably reinforce their opinion that police tend to abuse their

ASK: Think about any members of the public who observed this encounter. What would their perception have been? How would that have affected their trust and support for police?

ASK: Is it possible that implicit bias played a role in this encounter?

It does get tricky when the public calls and requests a response that might lead to discriminatory policing. On one hand, police can't ignore calls from the public. On the other hand, police don't want to be used to carry out somebody else's discrimination.

Note that the policy says "shall not take law enforcement action" based on information that is biased. This doesn't prevent officers from responding to calls and checking things out as appropriate.

Police should be skeptical of information that seems like it could be the product of bias. The credibility and basis of knowledge of the person providing information are important when determining whether information is reliable and trustworthy.

It may not be possible to completely eliminate bias, but we can learn to recognize it in ourselves and others and manage its impact.

authority and pick on people who don't have higher status.

It's possible. The person picking up trash was African American in a predominantly caucasian area.

According to bouldercolorado.gov, Boulder is 88% white and only 1.1% black.

<https://bouldercolorado.gov/boulder-measures/about-us-boulder-demographics>

10-minute break

Slide 13

Members shall not take law enforcement action based on information from members of the public that they know or should know is the product of, or motivated by, bias based on any of the personal characteristics in the definition of Discriminatory Policing.



Slide 14

GROUP ACTIVITY: Consider the case study scenario presented in the “Disgusting Rap Music” handout. Discuss for 5 minutes and be prepared to report out.

- Call for “suspicious person” on a residential street
- Description given is a black male in a black Ford sedan
- Caller states:
Lots of burglaries in the area
No black men live in the neighborhood
Man has been sitting there for 10-15 minutes
Man seems to be “looking around to see if anyone is watching him.”
Man is playing “disgusting rap music”

ASK: Which of these answers best demonstrates Fair & Impartial Policing?

NOTE: Instructor should ask WHY this is the BEST answer with regard to both demonstrating FAIR and IMPARTIAL policing.

Emphasis should be that E is the most appropriate response because it involves taking action to investigate BUT doesn’t overly impact the man in the car and make him feel harassed.

IF ANY GROUPS PICK THIS ANSWER, ASK:

1) How might the man in the car feel about the encounter? (Why do you think he might believe he’s being approached?)

2) How is this similar to the person in the picking up trash video?

- Call for “suspicious person” on a residential street
- Description given is a black male in a black Ford sedan
- Caller states:
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 - No black men live in the neighborhood
 - Man has been sitting there for 10-15 minutes
 - Man seems to be “looking around to see if anyone is watching him.”
 - Man is playing “disgusting rap music”

- (a) Conduct a Terry stop by requesting the man to get out of his vehicle, questioning the man about why he is sitting in his car at that location.
- (b) Conduct a consensual encounter by engaging in casual conversation about why he is sitting in his car at that location.
- (c) Drive by the man’s car and give a friendly wave; take further action if you observe suspicious activity that indicates that the man has been, is, or is about to be engaged in criminal activity.
- (d) Do not make contact with the man; instead drive the neighborhood for a while to see if anything more happens; take further action if you observe suspicious activity that indicates that the man has been, is, or is about to be engaged in criminal activity.
- (e) Go to the caller’s address and gather more information from her about what the man is doing and why she is suspicious; do not contact the man unless she describes activity that indicates that the man has been, is, or is about to be engaged in criminal activity.
- (f) Do not respond to the location because of concerns that the caller may be engaged in racial profiling.

Group Activity (10 minutes)


Give each group the “Disgusting Rap Music” handout and allow 5 minutes for group discussion and selecting the best response. Then have each group present their selection with explanation.


Use the following cues to sum up the possible responses:

(a) There is no basis for a Terry stop. The caller has given no indication that the man has done anything other than sit in his car and play music, which is not a crime. The caller also seems to be offended by the type of music, but this does not amount to a violation justifying law enforcement action.

(b) Although the man is free to leave and decline to answer the officer’s questions at this point, asking the man why he is legally parked in a neighborhood can be perceived by the man as harassment. The man might perceive law enforcement as “keeping an eye on him” because of his race, and the questions might make the man feel as though he is not welcome in the neighborhood due to his race. Additionally, asking him about the content of the

	<p>music could also be perceived as racial discrimination.</p> <p>(c) This is a viable option because it would allow the officer to respond in some fashion to the call without taking law enforcement action against the man. The officer should be aware, however, that what the deputy considers a neutral or friendly encounter might be perceived by the man as harassment, e.g. law enforcement “keeping an eye on him” because of his race, which may have a negative impact on community relations.</p> <p>(d) This is a viable option and may be preferable to making contact with the man to avoid any negative impact on community relations described in (b) and (c).</p> <p>(e) On the facts described, this is the most appropriate response. The officer can gather additional information and determine whether the caller is reporting the man because of his race or whether there are objective facts that support reasonable articulable suspicion. The officer would also have the opportunity to explain to the caller why the man’s behavior doesn’t seem to violate any laws.</p> <p>(f) Because the officer has contact information for the caller, it is preferable to engage with the caller to discuss her concerns, learn whether there are additional facts suggesting criminal activity, and</p>
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	<p>explain the law. If this were instead an anonymous complaint, the officer could choose (c) or (d) as a response.</p>
<p>Next up in this module is BPD Policy 720 related to police interactions with LGBTQ+ persons. Persons in this group have often had troubled relationships with police. In recent years, society has become more understanding and accepting of LGBTQ+ persons. It is very important that police follow suit, and equally important that police provide equal protection to LGBTQ+ persons whenever they are victims of crime or hate incidents.</p> <p>Note the importance of language in showing respect to a person.</p> <p>ASK: What is “LGBTQ+”?</p>	<p>Slide 15</p> <div data-bbox="954 657 1421 917">  <p style="text-align: center;">Policy 720</p> <p style="text-align: center;">Interactions with Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ+) Individuals</p> </div> <p>LGBTQ is the more commonly used term in the community; possibly because it is more user friendly! You may also hear the terms “Queer Community” or “Rainbow Community” used to describe LGBTQ+ people. This initialism and the various terms are always evolving so don’t try to memorize the list. The most important thing is to be respectful and use the terms that people prefer.</p> <p><i>(If asked, the “LGBTQ+” includes:</i> <i>Lesbian</i> <i>Gay</i> <i>Bisexual</i></p>

	<p><i>Transgender</i> <i>Transsexual</i> <i>2/Two-Spirit</i> <i>Queer</i> <i>Questioning</i> <i>Intersex</i> <i>Asexual</i> <i>Ally</i> <i>Pansexual</i> <i>Agender</i> <i>Gender Queer</i> <i>Bigender</i> <i>Gender Variant</i> <i>Pangender)</i></p>
<p>Before moving on, it would be helpful to have an understanding of some basic terms and ways that officers can demonstrate professionalism when dealing with LGBTQ+ individuals, particularly those in the transgender community.</p>	<p>Slide 16</p>  <p>The logo for the Community Relations Service (CRS) is displayed. It features the letters 'CRS' in a large, bold, gold-colored font. To the right of 'CRS', the words 'COMMUNITY RELATIONS SERVICE' are written in a smaller, gold-colored, all-caps font. Below this, in a very small, dark gray font, are the words 'THE UNITED STATES DEPARTMENT OF JUSTICE'.</p>
<p>ASK: What are some ways that the video suggests dealing with those in the transgender community?</p>	<p>Maintain your professionalism.</p> <p>When in doubt (and it's necessary), ask for clarification regarding what he/she/they would like to be called.</p>

Gender identity - An individual's deeply held internal knowledge or sense of being male, female, another gender, or no gender which may or may not correspond to the individual's physical characteristics or Sex Assigned at Birth. Gender Identity may or may not be visible to others or expressed outwardly through a person's chosen pronouns, haircut, dress, behavior, or voice.

Gender Expression — An individual's characteristics and behaviors (such as one's name, pronoun, appearance, dress, mannerisms, speech patterns, and body characteristics) that may express one's Gender Identity.

Sexual Orientation — A term to describe an individual's attraction to people of the same and/or different sex. Examples of sexual orientation may include heterosexual, bisexual, gay, and lesbian.

ASK: This looks a lot like the language we say from Policy 317. What's the difference?

A restaurant owner calls police because a transgender woman who has come to the restaurant for dinner is refusing to leave. When the officer arrives, the owner tells her that he doesn't like how the woman "looks" and he doesn't want people "like that" in his restaurant. The woman is sitting at a table loudly asking, "when am I going to be served here?"

ASK: "What should the responding officers do?"

Slide 17

Members **shall not take law enforcement action** based on information from the public that is the **product of**, or **motivated by**, bias based on actual or perceived:

- Gender Identity
- Sexual Orientation
- or Gender Expression



It applies specifically to gender identity, sexual orientation, and gender expression.

Slide 18

Restaurant Owner Scenario

A restaurant owner calls police because a transgender woman who has come to the restaurant for dinner is refusing to leave.

When the officer arrives, the owner tells her that he doesn't like how the woman "looks" and he doesn't want people "like that" in his restaurant.

The woman is sitting at a table loudly asking, "when am I going to be served here?"

Ask for hands and responses.

Look for:

"There would not be any reason to talk to the woman."

ASK: “What should the officers say to the woman?”

ASK: “The restaurant manager can’t believe that you aren’t going to arrest the woman or at least make her leave the restaurant. What will you say to the manager?”

Pursuant to State Government Article, §20-304, Annotated Code of Maryland, it is unlawful for an owner or operator of a place of public accommodation or an agent/employee of the owner or operator to refuse, withhold from, or deny to anyone the accommodations, advantages, facilities and privileges of a place of public accommodation because of race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability.

A public accommodation includes:

Restaurants

Hotels

Theatres

Bus & Transportation Services

Recreational & Aquatic Centers

“Approaching her at her table would only draw attention to her and cause her embarrassment.”

Ask for hands and responses.

You should select one person from the class to play the role of the responding police officer. You play the role of the manager, expressing disbelief and pushing the officer to provide an accurate explanation of the law and why the officer won’t take enforcement action. Be as demanding as you think a business manager would be.

The manager might demand that the woman be arrested for trespassing. The officer should refuse to do that. If necessary in order to keep the public peace, the officer should remain until the woman is finished eating and ready to leave.

Slide 19

- A public accommodation (retail, entertainment, food, hotel, etc) may not refuse
- Accommodations, facilities, or privileges
- Because of a person's
 - Race
 - National origin
 - Sex
 - Age
 - Marital status
 - Color
 - Sexual orientation
 - Creed
 - Gender identity
 - Disability

A citizen who believes that they have been the victim of discrimination by a public accommodation may contact the Maryland Commission on Civil Rights at mccr.maryland.gov or by calling 410-767-8600. For more information, go to MCCR.Maryland.Gov



Governmental Facilities
Gas Stations, Department Stores & Retail Establishments
Sidewalks, Parking Lots, & Other Public Surface Areas
Office Buildings & Commercial Establishments
Museums, Amusement Parks, & Other Public Attractions

Can't deny access or use of:
Entrances & Exits
Restrooms
Customer Sales & Services
Etc

Note that there are a bunch of exceptions:

- Private clubs (usually)
- Facilities designed to accommodate a particular sex that are uniquely private and personal in nature (bath houses, etc)
- Person who owns and lives in house leasing less than 5 rooms to overnight guests

A citizen who believes that they have been the victim of discrimination by a public accommodation may contact the Maryland Commission on Civil Rights at mccr@Maryland.Gov or by calling 410-767-8600. For more information, go to MCCR.Maryland.Gov

The gist of Policy 720 is that officers must treat LGBTQ+ persons with the same dignity and respect as they would treat anyone else, including how they would like members of their own family to be treated.

Note that for many people, proper use of pronouns shows respect for their human dignity. People may prefer pronouns such as they/them as well as he/him or she/her.

Note: Members only need to clarify a person's gender where it's relevant. In most interactions, it won't be.

Slide 20

Interactions with the LGBTQ+ Community



- Use names, pronouns, and titles of respect as requested or expressed
 - Not sure? Respectfully ask for clarification IF IT'S RELEVANT
- Do not:
 - Request proof of gender
 - Demean someone for clarifying a name/pronoun
 - Refer to a person as anything other than what was requested
 - Inquire about intimate details of sexual practices, anatomy, or transition-related medical history

<p>ASK: “When you encounter someone who may be an LGBTQ+ person, how should you address them?”</p>	<p>Ask for hands and responses. Look for these answers: Like a person. “Names, pronouns, titles of respect as requested, expressed, or clarified by the person.” “Don’t refer to a person as “it” or “he/she.” “If you’re not sure, ask the person how they would like to be addressed.” “Don’t demean or retaliate against anyone for stating the name or pronouns they prefer.”</p>
<p>ASK: “What role does gender identity, gender expression, or sexual orientation play in RAS or PC?”</p>	<p>Ask for hands and responses. Look for or prompt for these answers: “None of these characteristics constitute RAS, PC or evidence that a person has engaged in a crime.” “Officers can’t request ID from or otherwise initiate contact based on actual or perceived gender identity, gender expression or sexual orientation.” “Officers may not consider a person’s gender expression as the sole basis for taking or refraining from taking law enforcement action, except as part of a reliable and trustworthy suspect description in an ongoing investigation where the description includes other non-demographic identifying factors.”</p>
<p>ASK: How do these practices reinforce FAIR</p>	<p>Emphasis on Respect for human dignity reflected in understanding</p>

policing?

Group activity-

You received a missing person call and canvased the area looking for a 14-year-old child.

After finding the child, you ask them why they ran away. The child states that he is bisexual, but lives in a religious household. He's concerned that his parents won't understand.

You call out the transport and bring him back home.

What issues might arise when handling this call?

What should you tell the parents?

ASK: What issues might arise when handling this call?

ASK: What should you tell the parents?

LGBTQ+ youth can be particularly vulnerable since their parents and other family members may not be aware of their gender identity and/or may disapprove of it. Police should be careful not to complicate a youth's situation by unnecessarily divulging information. Also, since they are so vulnerable, LGBTQ+ youth may be in even greater need of equal protection from police.

and using appropriate pronouns (where relevant).

Slide 21

Youth Scenario

You received a missing person call and canvased the area looking for a 14-year-old child.

After finding the child, you ask them why they ran away. The child states that he is bisexual, but lives in a religious household. He's concerned that his parents won't understand. You call out the transport and bring him back home.

What issues might arise when handling this call?

What should you tell the parents?

Youth transport

Need to resolve the issue vs
"outing" the youth

Concern of the youth that you will
"out" them

Letting the youth know about
relevant services

That you found their child and
returned them safely.

You are NOT to "out" the youth, as
this could make things worse.

Slide 22

Interactions with LGBTQ+ Youth



Many LGBTQ+ youth experience issues at home based on their gender identity/expression.


To avoid creating/complicating a situation:

- Do not disclose a youth's gender identity/expression or sexual orientation to parents/guardians without consent
- In transporting a youth home, determine if the youth feels safe returning there

<p style="text-align: center;">II. EVALUATION/CLOSURE</p> <p>GROUP ACTIVITY:</p> <p>“Read the scenario assigned to your group. Read the questions that are listed below the scenario, then discuss and answer them using the policies as guidelines.”</p> <p>Scenario:</p> <ul style="list-style-type: none"> • Officer Patten and her partner are working in a predominantly black section of town when they observe a white citizen leave an apartment building who the officer believes to be a transgender female. • Ofc. Patten comments, “Shim’s out here buying drugs” • Approaches the female and says, “sir, stop!” • The citizen asks to be referred to as ma’am • Ofc. Patten does a pat down and searches the female looking for drugs while asking for the drugs/dealer info. • Ofc. Patten doesn’t believe her and accuses her of buying drugs or “tricking” • The female asks the partner, “Can I talk to someone about this? I would like to make a complaint.” 	<p>Group Exercise (15 minutes)</p> <p>Refer learners to Policies 317, 720 and 1112, located in their handbooks.</p> <p>They will use the policies in analyzing the scenarios they have been handed.</p> <p>Debrief by having a representative of each group explain the answers to their questions, keeping in mind some will duplicate others.</p> <p>Slide 23</p> <div data-bbox="954 890 1398 1150"> <div style="display: flex; justify-content: space-between;"> <div style="background-color: #4a86e8; color: white; padding: 10px; width: 60%;"> <ul style="list-style-type: none"> • Officer Patten and her partner are working in a predominantly black section of town when they observe a white citizen leave an apartment building who the officer believes to be a transgender female. • Ofc. Patten comments, “Shim’s out here buying drugs” • Approaches the female and says, “sir, stop!” • The citizen asks to be referred to as ma’am • Ofc. Patten does a pat down and searches the female looking for drugs while asking for the drugs/dealer info. • Ofc. Patten doesn’t believe her and accuses her of buying drugs or “tricking” • The female asks the partner, “Can I talk to someone about this? I would like to make a complaint.” </div> <div style="width: 35%;"> <p style="text-align: center;">Scenario</p> <p>Consider the below questions, specifically referencing...</p> <ul style="list-style-type: none"> • Group A: Policy 317, pages 3-4 • Group B: Policy 720, pages 2-5 • Group C: Policy 1112, pages 6-8 <ul style="list-style-type: none"> • List the actions taken that were consistent with BPD policy. • List the actions taken that were not consistent with BPD policy. • What might be the consequence in terms of departmental procedure if Patten’s partner does not say anything about the misconduct? • What steps should the partner take? Who should be contacted? What information should be given the citizen? • What role might Officer Patten’s supervisor play in what taken place next? </div> </div> </div>

<p>ASK:</p> <p>1. What level of police encounter is this?</p> <p>2. Which of Patten's actions complied with Policy _____ (your policy)</p>	<p>This is at least an investigative stop. A reasonable person would not feel free to leave here.</p> <p>It's not legal because there's no RAS (the search is also illegal, but we'll discuss searches more tomorrow).</p> <p>Policy 317 Required Actions</p> <ul style="list-style-type: none"> ○ 1.1 not professional or polite ○ 1.2 didn't introduce or explain stop ○ 1.7 no explanation or apology ○ 2 no RAS or PC ○ 3 no attempt at consent/compliance but unlawful anyway ○ 4 protected group <p>Prohibited actions</p> <ul style="list-style-type: none"> ○ 1 actual or perceived personal characteristics used ○ 3 made comments towards bias <p>Policy 720 Respectful Interactions and Non-</p>
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<p>3. How should the partner deal with Patten's actions?</p> <p>4. What are the consequences if the partner doesn't take action?</p>	<p>Discrimination</p> <p>1 not unbiased fair or respectful, 3 using sir even though it was requested ma'am</p> <p>Policy 1112</p> <ol style="list-style-type: none"> 1. Justification- don't have it 2. Required Actions <ol style="list-style-type: none"> a. 1 Stopping without RAS, 2 BWC and dispatcher not notified 3. Prohibited action <ol style="list-style-type: none"> a. 5 geographic location <p>Policy 317</p> <ol style="list-style-type: none"> 1. 6, 7 the partner must report to OPR and provide info to the person to make complaint or face possible charges <p>Policy 720</p> <ol style="list-style-type: none"> 1. SSA LGBTQ+ <ol style="list-style-type: none"> a. 2 no RAS from expression, 3 not a reason to stop, 4 manipulation of the wig, 6 possession of needles, 7 possession of condoms <p>Policy 1112</p>
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<p>5. How should Patten’s supervisor deal with her actions?</p> <p>Explain to learners: “We’ve covered a lot of material, but when it comes to SSA and FIP things really do boil down to two interconnected elements – bias-free policing and our ability to use the tenets of procedural justice. Whether it’s LGBTQ+ people or anyone else, we have to use this as our standard. Policies 317 and 720, among others, provide the necessary guidelines.”</p>	<p>Blue Team, but not in this policy</p> <p>Policy 317 1. 6, 7 the partner must report to OPR and provide info to the person to make complaint then notify their supervisor to respond to the scene</p> <p>Policy 720 Not addressed</p> <p>Policy 1112 Not addressed</p> <p>Policy 317 Supervisor would Blue Team, review BWC (Add Policy Citation)</p> <p>Policy 720 Not addressed</p> <p>Policy 1112 Not addressed</p> <p>Slide 24 Questions?</p> 
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Discriminatory Policing Prohibited

What is Discriminatory Policing?

Treating people or groups differently on the basis of:

- Age
- Disability status (including physical disabilities)
- Economic status
- Familial status
- Gender expression
- Gender identity
- HIV status
- Homelessness
- Immigration status
- Language ability
- Mental illness
- National origin
- Political ideology
- Race, ethnicity, or color
- Religion
- Sex assigned at birth
- Sexual orientation
- Social status
- Veteran status

UNLESS

You are attempting to provide a relevant service or the characteristic is physically observable and relevant to an investigation.

PERSON PICKING UP TRASH CASE STUDY

1. How would you assess this interaction in light of BPD Policies 317 (Fair and Impartial Policing) and 1112 (Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches)?
2. Think about the person picking up trash. How would he assess this interaction in light of the procedural justice principles of voice, respect, neutrality, and trustworthiness?
3. Think about any members of the public who observed this encounter. What would their perception have been? How would that have affected their trust and support for police?

CASE STUDY – DISGUSTING RAP MUSIC

You receive a call at 17:00 about a suspicious person sitting in a black Ford sedan on a residential street. The driver is described as a black male, and the caller reports that she has not seen him in this neighborhood before. You ask dispatch to call back and get additional information about what the man is doing that the caller thinks is suspicious. Dispatch then reports that the caller states that there have been a lot of burglaries in the area, there aren't any black men who live in the neighborhood, and that the man has been sitting there for 10-15 minutes and seems to be "looking around to see if anyone is watching him." The caller also states that the man is playing music which she describes as "disgusting rap music." Dispatch provides you with the caller's name and address.

What is the best response for an officer who is dispatched to this call? Select one and explain why.

- (a) Conduct a Terry stop by requiring the man to get out of his vehicle, questioning the man about why he is sitting in his car at that location.
- (b) Conduct a consensual encounter by engaging in casual conversation about why he is sitting in his car at that location.
- (c) Drive by the man's car and give a friendly wave; take further action if you observe suspicious activity that indicates that the man has been, is, or is about to be engaged in criminal activity.
- (d) Do not make contact with the man; instead drive the neighborhood for a while to see if anything more happens; take further action if you observe suspicious activity that indicates that the man has been, is, or is about to be engaged in criminal activity.
- (e) Go to the caller's address and gather more information from her about what the man is doing and why she is suspicious; do not contact the man unless she describes activity that indicates that the man has been, is, or is about to be engaged in criminal activity.
- (f) Do not respond to the location because of concerns that the caller may be engaged in racial profiling.

FIP- Ending Scenario

Officer Patten, while working with a partner in a predominantly black area of town, notices a white citizen that she takes to be a male to female transgender exiting an apartment building. The citizen is wearing a wig, a short dress and carrying a purse. This particular area is historically known for drug dealing.

“Shim’s out here buying drugs,” Officer Patten points out to her partner.

Officer Patten approaches the person and commands, “Sir, Stop!”

The citizen looks around and realizes the officer is addressing her “What for?

Please, call me ma’am.” the citizen says.

Officer Patten then pats her down, searches her purse and finds condoms and needles, and runs her fingers through the woman’s hair and lifts her wig cap.

While conducting the search, Officer Patten asks, “Where are the drugs? Who hit you off?”

“Why do you think I have drugs?” the woman asks.

“The only reason whites or trannies come down here is to buy drugs! Or maybe you’re here meeting a trick?”

“I was visiting a sick friend!” the woman stated.

“That’s a good one, sir.” Officer Patten replied.

The woman looks to Officer Patten’s partner and asks, “Can I talk to someone about this? I would like to make a complaint.”

Discuss and answer the following questions. Draft Policies are accessible at <https://www.baltimorepolice.org/transparency/draft-policies>.

Consider the below questions, specifically referencing...

Group A: Policy 317, pages 3-6

Group B: Policy 720, pages 2-5

Group C: Policy 1112, pages 6-8

1. What level of police encounter is this?
2. Which of Patten’s actions complied with Policy _____ (your policy)
3. How should the partner deal with Patten’s actions?
4. What are the consequences if the partner doesn’t take action?
5. How should Patten’s supervisor deal with her actions?