

Bernalillo County Sheriff's Department  
\* Rules and Regulations \*

Effective date: May 22, 2012

**312 UNBIASED POLICING**

It is the policy of the Sheriff's Department to emphasize commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services. The maintenance of public trust and confidence in the Sheriff's Department is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public.

All persons having contact with members of the Sheriff's Department shall be treated in a nonpartisan, fair, equitable, and objective manner, in accordance with law, and without consideration of their race, color, national origin, or other individual characteristics or distinctions as defined in this policy.

**DEFINITIONS:**

**BIASED BASED POLICING**

The interdiction, detention, arrest or other non-consensual treatment of an individual because of a characteristic or status, such as race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, or economic status.

**EQUAL TREATMENT**

In the present context, equal treatment means that persons, irrespective of race or other distinction, shall be treated in the same basic manner under the same or similar circumstances. This does not mean that all persons in the same or similar circumstances can or must be treated identically in all cases. Reasonable concessions and accommodations may be, and sometimes should be made, when dealing with individuals with physical or mental disabilities, injury, illness, infirmity, or similar conditions, or when information about them necessitates different treatment.

**LAW ENFORCEMENT CONTACTS/ENFORCEMENT ACTIONS**

Includes, but is not limited to, a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property.

**LAW ENFORCEMENT SERVICE FUNCTIONS**

Sometimes referred to as community caretaking functions, these are actions and activities that may not directly include enforcement of the law but that contribute to the overall well-being and safety of the public. These include but are not limited to such tasks as assistance at fire scenes, traffic

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accidents, medical emergencies, lifesaving services, crime prevention, preventive patrol, traffic control, public information, education, assistance, and similar activities.

**RULES AND PROCEDURES:**

**312-1 FAIR AND EQUAL TREATMENT**

- [5] A. Biased-based policing by any member of this Department is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type bodily searches, arrests, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause for determining when or how to take enforcement action in accordance with applicable Constitutional laws.
- A. Nothing in this policy prohibits Deputies from using the traits and characteristics of persons, such as race, ethnicity, or other information to assist in establishing reasonable suspicion or probable cause in the same manner that Deputies would use hair color, height, weight, or gender for such purposes.
- [5] B. Department personnel will provide the same level of law enforcement service to every citizen regardless of their race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition, or economic status.

**312-2 DUTIES OF DEPARTMENT PERSONNEL**

- [5] A. Deputies who witness or who are aware of instances of biased-based policing shall immediately report the incident to their supervisor and submit the information in accordance with S.O.P.
- B. The Department takes seriously allegations of bias-based policing. Anyone may lodge a complaint regarding alleged unlawful law enforcement profiling with the Sheriff's Department.
- [5] C. All complaints will be forwarded to the Internal Affairs Unit, and must be made within 90 days of the original incident.

**312-3 SUPERVISOR DUTIES**

- [5] A. Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
- [5] B. Supervisors will monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy.

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- [5] C. Supervisors will respond to all citizen complaints of biased-based policing and will ensure that complaints are handled in accordance with Departmental policy.

**312-4 TRAINING**

- A. All Deputies will receive training during basic orientation and in-service. The curriculum will encompass the Prohibition of Profiling Practices Act, Laws 2009 Chapter 177, 1-4, NMSA 1978 29-21-1 et seq.
- B. When deemed necessary, remedial training will be provided.

**312-5 INTERNAL AFFAIRS**

- [6] A. Upon disposition of a biased based investigation the Internal Affairs Unit SHALL submit a redacted copy of the complaint and the disposition to the attorney general, which shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.



## Attorney General of New Mexico

**GARY K. KING**  
Attorney General

**ALBERT J. LAMA**  
Chief Deputy Attorney General

August 3, 2012

Dan Houston, Sheriff  
Bernalillo County Sheriff's Office  
400 Roma NW  
Albuquerque, NM 87102

Re: Prohibition of Profiling Practices Act Section 29-21-1 et.seq. N.M.S.A. (2009)

Dear Sheriff Houston:

As you are aware, the New Mexico Legislature enacted the Prohibition of Profiling Practices Act in 2009. My office has the statutory duty to monitor compliance with the Act and compile data generated by it. In reviewing our files it has come to my attention that we do not have a copy of your department's written policy covering this new law.

The Attorney General's Office is keeping a collection of all the locally adopted policies to facilitate our ability to implement the Act. Please forward a copy of your policy to my office by September 14, 2012. If your department has not yet finalized your policy and would like assistance in doing so, we can furnish you copies of the policies adopted by the Santa Fe Police Department and the Socorro County Sheriff's Office that are deemed to be in full compliance with the law.

Special Counsel Stuart Bluestone at my Santa Fe office (505) 827-6004 and General Counsel Dave Pederson at my Albuquerque office (505) 222-9075 will be happy to assist you with this matter. All of us in New Mexico law enforcement are committed to the idea that police work must be conducted free of the practices which are banned by this important law.

Best personal regards,

Attorney General  
Dr. Gary K. King