


## DEPARTMENTAL DIRECTIVE - NUMBER 09-03

**To:** All Department Personnel  
**From:**   
Chief Deputy Patrick R. Jennings  
**Ref:** Prohibition of Profiling Practices  
**Date:** December 2, 2009

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### I. STATEMENT OF PURPOSE

The purpose of this policy is to state the Chaves County Sheriff's Office commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services

### II. POLICY

Public trust and confidence in the sheriff's office is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the Chaves County Sheriff's Office to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions and that such enforcement decisions will not be predicated solely on the basis of an individual's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition.

To this end, biased-based policing and/or profiling in the Department are unacceptable practices that will not be tolerated.

### III. DEFINITIONS

**BIASED-BASED POLICING / PROFILING:** The interdiction, detention, arrest or other nonconsensual 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.

**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.

#### IV. GENERAL PROCEDURES

- A. Biased-based policing / profiling by any member of this Department is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other types of 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 the Fourth Amendment of the U.S. Constitution.
- B. Nothing in this policy prohibits deputies from using the traits and characteristics of persons, such as race, ethnicity, or national origin in the same manner that deputies would use hair color, height, weight, or gender to the extent that credible information, relevant to the locality or time frame, links a person with those identifying characteristics to an identified criminal incident or criminal activity
- C. Department personnel will provide the same level of police 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 or economic status.

#### V. REPORTING

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Chaves County Sheriff's Office. All complaints will be investigated regardless of whether they are oral or in writing, anonymous or made by 3<sup>rd</sup> parties. Complaints must be made within 90 days of the original incident.
- B. The Department will provide complaint forms and personnel will make them available to the public upon request.

#### VI. DUTIES OF DEPARTMENT PERSONNEL

- A. Any member of this Department who is aware of a violation of this policy, or who receives a citizen complaint, shall immediately report the alleged violation to a supervisor orally and submit the information in writing.
- B. Personnel shall not discourage citizens from filing complaints of biased-based policing / profiling and shall not intimidate, coerce, or threaten retaliation against citizens to discourage or prevent them from filing complaints.

#### VII. SUPERVISOR DUTIES

- A. Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
- 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.
- C. Supervisors, will respond to all citizen complaints of biased-based policing / profiling and will ensure that complaints are handled in accordance with this policy. Supervisors will not discourage citizens from filing complaints of biased-based policing / profiling and shall not intimidate, coerce, or threaten retaliation against citizens to discourage or prevent them from filing complaints.

VIII. TRAINING

- A. The Chaves County Sheriff's Office provides training to its law enforcement officers during orientation and every two years thereafter to assist deputies in adhering to this policy and the Prohibition of Profiling Practices Act, 29-21-3 NMSA.

IX. INVESTIGATION OF ALLEGATIONS OF BIASED-BASED POLICING / PROFILING

Allegations of illegal profiling will be handled as follows:

- A. All complaints of allegations of illegal profiling will be forwarded up the Chain of Command to the Sheriff. The Sheriff will ensure all complaints are investigated in compliance with department policy.
- B. Training will be utilized to address needs based on the outcome of any investigation which reveals training deficiencies, trends, or other problem areas needing to be addressed.
- C. The Sheriff will submit a redacted copy of all complaints and a description of their disposition to the New Mexico Attorney General. The documents submitted to the Attorney General shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of the law enforcement officer(s) or the complainant.

X. DISCIPLINE

Violation of this policy, Bias Based Police Profiling, is cause for disciplinary action. The Sheriff will take any action necessary to enforce this policy up to and including termination.

**Citizen Complaint Form**

You have the right to make a complaint against any Chaves County Sheriff's Office Employee for improper conduct. The Department will conduct an investigation and you will be notified of the outcome, if you have provided us with contact information.

Complainant Information (if known):

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Phone(s): \_\_\_\_\_

Email(s): \_\_\_\_\_

Complaint accepted: ( ) in person; ( ) phone; ( ) mail; ( ) email; ( ) anonymous; ( ) 3<sup>rd</sup> party

Does Complainant wish to remain anonymous: (circle one)      yes                  no

Sheriff Office personnel involved in the alleged misconduct (if known):

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Description of incident (please provide as much detail as possible):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that this statement will be submitted to the Chaves County Sheriff's Office and may serve as a basis for an internal investigation. I declare and affirm that the facts contained in this statement are complete, accurate and true to the best of my knowledge and belief. Furthermore, I agree to fully cooperate with any investigation and agree to appear at any civil or criminal proceedings, if necessary. I also understand that if I attest to any intentional false statement it may be cause for criminal and/or civil proceeding against me.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Parent or Guardian if under 18 years of age: \_\_\_\_\_

Sheriff's Office personnel accepting the complaint:

Name (printed) \_\_\_\_\_ Date: \_\_\_\_\_