

# ESTANCIA POLICE DEPARTMENT BIAS-BASED PROFILING

06-03:09

## **I. PURPOSE**

The purpose of this directive is to prevent and prohibit the practice of bias profiling and other discriminatory practices by any member of the Estancia Police Department.

## **II. POLICY**

It is the policy of the Estancia Police Department that Officers investigate suspicious persons, incidents and other activities with reliance on reported or observed descriptions and/or reasonable suspicion and not based on biased profiling or discrimination. To that end, we will comply with the *Prohibition of Profiling Practices Act (2009)*. It is the intent of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions.

## **III. DEFINITIONS**

BIAS BASED PROFILING, by an officer is the reliance on an individual's: race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental condition, age, economic status, or cultural group of individuals in initiating, conducting, or determining the scope of an investigatory or enforcement activity, including, but not limited to detentions, traffic stops, pedestrian stops, interviews, frisks, and other searches, except to the extent that credible information, relevant to the location or time frame, links a person with those identifying characteristics to a reported or observed criminal incident or suspected criminal activity.

#### **IV PROCEDURES**

- A. Biased Based Profiling of individuals is strictly prohibited by Officers of the Estancia Police Department.
  
- B. The detention or investigation of an individual which is not based on a suspected violation of Federal Law, New Mexico State Statutes, City Ordinances or any combination thereof, is prohibited.
  - 1. Asset seizure and forfeiture efforts and procedures shall be Based on violations of Federal Law, New Mexico State Statutes, City Ordinances, or any combination thereof and shall not be motivated by those factors listed in the Bias Based Profiling definition.

#### **V TRAINING**

- A. All Officers will receive training upon becoming a certified officer and at least once every two years thereafter, on the harms of biased based profiling and discrimination, including legal updates which pertain to Bias Based Profiling.

#### **VI DUTIES OF DEPARTMENT PERSONNEL**

- A. Any Officer, who witnesses or becomes aware of any possible violation of this policy, will immediately contact and inform his/her supervisor and/or the Chief of Police. A supervisor who receives such information shall notify the Chief of Police.

#### **VII INVESTIGATION OF COMPLAINTS**

- A. Complaints of Bias Profiling will be accepted from any source or manner, and must be made within 90 days from the commission of the alleged violation.

- B. All complaints of Bias Based Profiling or discriminatory practices will be investigated in accordance with the standard practices of officer misconduct investigations.
- C. Supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that member's actions and activities adhere to this directive and to discover any indications of racial profiling or discriminatory practices.

## **VIII ATTORNEY GENERAL SUBMITTAL**

- A. In accordance with the 2009 *Prohibition of Profiling Practices Act*, a copy of Bias Profiling complaints shall be submitted to the Attorney General's Office along with the finding, but shall not disclose personal identifying information of the complainant or the employee. Persons who express a desire to file a complaint of Biased-based profiling shall be given a biased-based profiling complaint form (see attached form).

## **IX DISCIPLINARY PROCEDURE**

- A. Appropriate discipline will be implemented for non-compliance with this directive. Failure to report any observed or known violation of this order by any member of the Police Department will result in disciplinary action.

## **X ADMINISTRATIVE REVIEW**

- A. There will be an annual review of this policy and Department practices conducted by the Chief of Police or his/her designee and will include concerns expressed by the public.

**ESTANCIA POLICE DEPARTMENT  
REPORT OF COMPLAINT AGAINST POLICE PERSONNEL**

**CONFIDENTIAL**

**OFFICIAL USE ONLY:**  
**DATE RECEIVED** \_\_\_\_\_  
**TIME RECEIVED** \_\_\_\_\_  
**RECEIVED BY** \_\_\_\_\_

**INSTRUCTIONS**

A Complete complaint form may be turned in to the Police Department, or mailed to the Chief of Police: P.O. Box 166, Estancia, NM 87016.

**INFORMAL COMPLAINT**

Informal complaints, those in which the complainant would rather attempt to resolve this issue directly with the employees supervisor may be initiated by contacting the employees supervisor at the Estancia Police Department or by completing the complaint form indicating you wish to file an informal complaint.

**IF YOU DECIDE TO FILE A FORMAL COMPLAINT or a BIAIS-BASED COMPLAINT**

Please complete the complaint information and statement portions. You may be interviewed by the Chief of Police or his/her designee and may be asked to testify concerning the complaint. Notify the Chief of Police immediately if your address or telephone number changes prior to the resolution of your complaint. You will be notified of the results of the investigation.

\_\_\_ INFORMAL COMPLAINT

\_\_\_ FORMAL COMPLAINT

\_\_\_ BIAS-BASED PROFILING COMPLAINT

(COMPLAINT MUST BE FILED WITHIN 90 DAYS OF INCIDENT)

**COMPLAINT INFORMATION**

NAME: \_\_\_\_\_  
(First) (Middle) (Last)

ADDRESS: \_\_\_\_\_  
(Street name and number or PO Box)

\_\_\_\_\_   
(City) (State) (Zip)

Telephone: Home \_\_\_\_\_ Work \_\_\_\_\_ Cell \_\_\_\_\_

DATE and TIME of INCIDENT: \_\_\_\_\_

LOCATION of INCIDENT: \_\_\_\_\_

NAMES OF OFFICER(S) against whom the complaint is being filed, or other identifying marks, car number, bade number etc. (If known or given by officer)

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

NAME(S) ADDRESS and phone numbers of WITNESSES

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

**Actions taken against me:**

\_\_\_ **Questioned and released**

\_\_\_ **Cited**

\_\_\_ **Arrested**

**NOTE: (FORMAL COMPLAINTS)** This complaint form along with other necessary documentation will be forwarded to the Chief of Police or his/her designee for evaluation and investigative direction. The Chief of Police will review the completed investigation, a copy of this complaint form and findings will be provided to the Mayor and the Governing Body. You will be notified by certified mail at the address you provided of the final disciplinary findings. (Normally within 30-60 days after the complaint has been filed.)

I believe that I was subject to bias-based profiling based on my: (Check all that apply)

- RACE             ETHNICITY             NATIONAL ORIGIN  
 LANGUAGE        GENDER                 GENDER IDENTITY  
 SEXUAL ORIENTATION     POLITICAL AFFILIATION  
 RELIGION                 PHYSICAL or MENTAL CONDITION  
 OTHER (Describe) \_\_\_\_\_

**I believe that an officer(s) of the Estancia Police Department relied on biased-based profiling in his/her/their dealing with me as follows: (Describe in detail the interaction that you had with the officer(s), beginning with what you were doing just prior to the officer(s) making contact with you and what each officer did and said to you)**

**STATEMENT:**

(Please describe both the incident and the specific nature of your complaint as completely as possible.)

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**END OF STATEMENT**

I understand that the statement o complaint will be submitted to the Estancia Police Department and may be the basis for an investigation. Further, I sincerely and truly declare and affirm that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief. Further, I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion or promise of any kind. I understand that I may be required to appear at the Estancia Police Department for further interview(s) or to provide other investigative assistance as necessary.

I understand that, under the regulations of the Town of Estancia, the officer against whom this complaint is filed may be entitled to request a hearing before the Mayor and Governing Body of the Town of Estancia. By signing and filling this formal complaint, I hereby agree to appear at such hearing(s), if one is requested by the officer, and to testify under oath concerning all matters relevant to this complaint.

\_\_\_\_\_  
(Signature of Complaint)

\_\_\_\_\_  
(Date)

\_\_\_ Check if complainant refused to sign

\_\_\_\_\_  
(Person Receiving Complaint)

\_\_\_\_\_  
(Date & Time Received)