

I. STATEMENT OF PURPOSE

The Hobbs Police Department has established a policy stating its commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services pursuant to the Prohibition of Profiling Practices Act, NMSA 1978, § 29-21-1 et seq. (2009).

II. POLICY

Public trust and confidence in the Hobbs Police Department is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the Hobbs Police Department 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, or economic status.

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

III. DEFINITIONS

- A. BIAS-BASED POLICING / PROFILING** – To select a person for or subject a person to any 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, or to determine the scope, substance or duration of the routine or spontaneous investigatory activity, based on the person's 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.
- B. 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.** Bias-based policing/profiling by any member of this Department is prohibited. Investigative detentions, filed 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 the Fourth Amendment of the U.S. Constitution.
- B.** Officers shall not consider race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition in determining to initiate any investigatory or enforcement activity.
- C.** Members of this Department shall not initiate, prolong or expand the scope or duration of an investigatory or enforcement activity in order to determine or inquire about an individual's immigration status based on the individual's race, ethnicity, color, national origin or language.
- D.** 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, serious medical condition, or economic status.

- E. Nothing in this policy prohibits officers from using the traits and characteristics of persons, such as race, ethnicity, or national origin in the same manner that officers 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.

V. REPORTING

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Hobbs Police Department. Complaints must be made **within 90 days** of the original incident.
- B. The Department shall allow a complaint alleging a violation of this policy by its law enforcement officer to be made:
 - 1. In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
 - 2. By telephone, anonymously or by a third party; provided that the Department shall determine the complaint to be valid before taking any appropriate investigatory measures pursuant to this policy and any such investigation shall comply with the provisions of NMSA 1978, § 29-14-4 (1991).
- C. The Department will provide complaint forms and personnel will make them available to the public.

VI. DUTIES OF DEPARTMENT PERSONNEL

- A. Any member of this Department who is aware of a violation of this section, 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 Hobbs Police Department provides training to its law enforcement officers during orientation and every two (2) years thereafter to assist officers in adhering to this policy and the Prohibition of Profiling Practices Act.

IX. INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING

- A. Allegations of illegal profiling will be handled as follows:
 - 1. All complaints will be investigated by the Chief of Police, or his/her designee, unless the Chief of Police is the subject of the complaint in which case the Chief of Police shall designate an alternate investigator from outside the Hobbs Police Department.
 - 2. Training will be utilized to address needs based on the outcome of the investigation.
 - 3. The Chief of Police, or his/her designee, 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 a law enforcement officer or complainant.

X. DISCIPLINE

- A. Violation of this policy prohibiting unlawful police profiling is cause for discipline. The Chief of Police will take any action necessary to enforce this policy up to and including termination.



HOBBS POLICE DEPARTMENT

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June 4, 2013

**To: New Mexico Attorney General's Office
Attention: Mr. Pederson or Ms. Miller**

From: Captain Rohnnie A. Shaw

Subject: Bias-Based Profiling

Enclosed is the Hobbs Police Department's policy regarding Bias-Based Profiling. If you should have any other questions please feel free to contact me at the listed information.

A handwritten signature in blue ink, appearing to read "Rohnnie A. Shaw", written over a horizontal line.

Rohnnie A. Shaw
Support Services Captain

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*Rev'd AGO
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RSP*

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New Mexico Law Enforcement Professional Standards Council

