

MORIARTY POLICE DEPARTMENT	ADMINISTRATION
SUBJECT: BIAS-BASED PROFILING	NUMBER: ADM.29.01
EFFECTIVE DATE:	REVIEW DATE:
AMENDS/SUPERSEDES:	APPROVED: <u>Bally J. C.</u> Chief of Police
NMMLEPSC STANDARDS:	NMSA:

DEFINITION

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.

I. POLICY

It is the policy of the Moriarty 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.

II. 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 Moriarty Police Department.

III. PROCEDURE

1. Biased Based Profiling of individuals is strictly prohibited by Officers of the Moriarty Police Department.

2. 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
 - a. 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.

IV. TRAINING

1. All Officers will receive training during orientation, and at least once every two years thereafter, on the harms of bias based profiling and discrimination, including legal aspects and a review of this policy

V. DUTIES OF DEPARTMENT PERSONNEL

1. 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 without delay.
2. Officers shall not discourage the filing of any complainants and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against complainants to discourage or prevent them from filing complaints.

VI. INVESTIGATIONS OF COMPLAINTS

1. 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.
2. All complaints of bias based profiling or discriminatory practices will be investigated in accordance with the established Internal Affairs procedures (**ADMIN 18-01**)
3. 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.

VII. ATTORNEY GENERAL SUBMITTAL

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 Officer employee.

1. Persons who express desire to file a complaint of biased-based profiling shall be given a biased-based profiling complaint form (**see attached form**).

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VIII. DISCIPLINARY PROCEDURE

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

IX. ADMINISTRATIVE REVIEW

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

MORIARTY POLICE DEPARTMENT
REPORT OF COMPLAINT AGAINST POLICE PERSONNEL

CONFIDENTIAL

OFFICIAL USE ONLY:

DATE RECEIVED: _____

TIME RECEIVED: _____

RECEIVED BY: _____

INSTRUCTIONS:

A COMPLETED COMPLAINT FORM MAY BE TURNED IN TO THE POLICE DEPARTMENT, OR MAILED TO THE CHIEF OF POLICE @ PO BOX 130, MORIARTY, NM 87035

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 MORIARTY POLICE DEPARTMENT AT 832-6060 OR BY COMPLETING THE COMPLAINT FORM INDICATING YOU WISH TO FILE AN INFORMAL COMPLAINT.

IF YOU DECIDE TO FILE A FORMAL COMPLAINT or a BIAS-BASED PROFILING COMPLAINT:

PLEASE COMPLETE THE COMPLAINT INFORMATION AND STATEMENT PORTIONS. YOU MAY BE INTERVIEWED BY THE CHIEF OF POLICE OR HIS 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 CODE)

TELEPHONE: Home: _____ Work: _____ Cell: _____

DATE & TIME OF INCIDENT: _____

LOCATION OF INCIDENT: _____

NAME OF OFFICER(S) AGAINST WHOM COMPLAINT IS BEING FILED, OR OTHER IDENTIFYING MARKS, CAR NUMBER, BADGE NUMBER ETC. (IF KNOWN OR GIVEN BY OFFICER)

NAME: _____ RANK: _____

ID OR BADGE NUMBER: _____ VEHICLE/UNIT NUMBER: _____

GENERAL DESCRIPTION: _____

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 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 subjected to bias-based profiling based on my: (check all that apply)

Race Ethnicity Color National origin Language Gender Gender Identify

Sexual identity Political affiliation Religion Physical or mental condition

Other: _____

I believe that an officer(s) of the Moriarty Police Department relied on biased-based profiling in his/her/their dealings 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.)

Lined writing area with 25 horizontal lines.

END OF STATEMENT

I understand that the statement of complaint will be submitted to the Moriarty 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 Moriarty Police Department for further interview(s) or to provide other investigative assistance as necessary.

I understand that, under the regulations of the Moriarty Police Department, the officer against whom this complaint is filed may be entitled to request a hearing before the Mayor and Governing Body of the City of Moriarty. 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 Complainant)

(Date)

Check of complainant refused to sign

(Signature of Person Receiving Complaint)

(Date & Time Received)