



Racial Profiling

New Mexico Tech Campus Police Department

Vice President for Administration and Finance
Last modified November 19, 2012

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The purpose of this document is to define the concept of racial profiling and to establish guidelines for men and women coming in contact with any individual while employed as officers with the New Mexico Tech Campus Police Department.

This document is continually being updated; we would appreciate any information and/or insight that would help us develop stronger policies for the NMIMT community.

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I. Purpose and Scope

A. Introduction

Members of the New Mexico Tech Campus Police Department will protect the rights of all persons, regardless of race, color, creed, ethnicity, gender, age, sexual orientation, disability, religion, or any other belief system. All persons will be free to walk and drive the streets and other public places on and about the NMT campus without law enforcement interference so long as they are law abiding in their actions and behaviors.

This policy serves to:

1. Reaffirm the commitment of the NMT Campus Police Department to unbiased law enforcement practices.
2. Further clarify the circumstances in which officers may consider race or ethnicity when making enforcement decisions.
3. Reinforce procedures that assure the public that the NMT Campus Police Department is providing service and enforcing laws in an equitable manner.

This policy further serves to:

Unequivocally state that the NMT Campus Police Department will not tolerate or condone law enforcement activities that are the result of biased-based profiling, which is unethical and illegal, and serves to foster distrust of law enforcement by the NMT community we serve.

II. Policy

NMT University is an organization of higher education composed of a diverse population of students, faculty staff and visitors. It is the police of NMT University Police Department to provide an equal and professional delivery of services to this diverse population regardless of perceived or actual race, ethnicity, gender, sexual orientation, religion national origin, of socio-economic status. Our department will avoid racial profiling and/of bias-based policing. Any act deemed to be such is strictly prohibited. Campus Police Department that officer base pedestrian and motor vehicle stops, detentions, investigative activities, searches, property seizures, or arrests of a person upon a standard of reasonable suspicion or probable cause in compliance with the Fourth Amendment of the U.S. Constitution.

III. Definitions

- A. A standard of **Reasonable Suspicion** “identifies a suspicion based on facts or circumstances which of themselves do not give rise to the probable cause requisite to justify a lawful arrest, but which give rise to more than a bare suspicion; that is, a suspicion that is reasonable as opposed to an imaginary or purely conjectural suspicion.”
- B. **Biased Law Enforcement** is the practice of a law enforcement officer relying on age, race, color, creed, disability, ethnicity, gender, national origin, sexual orientation, religion, any other belief system, and/ or any other individual attribute other than a standard of reasonable suspicion or probable cause in the selection of persons to subject to routine pedestrian or motor vehicle stops, detentions, and investigative activity or arrest.
- C. **Unbiased Law Enforcement** is the practice of a law enforcement officer relying solely on a standard of reasonable suspicion, probable cause, or “...taking account the reported race or ethnicity of a specific subject(s) based on [reliable], locally relevant information that links a person(s) of a specific race or ethnicity to a particular unlawful incident(s)...”
 - 1. **Example#1- Stopping a person and doing a pat down on the belief that a person of a particular race, ethnicity or national origin is more likely to possess contraband.**

IV. Training Guidelines

- A. All investigative detentions, traffic stops, arrests, searches, and seizures of property by members of the NMT Campus Police Department will be based on a standard of reasonable suspicion or probable cause as required by the Fourth Amendment of the United States Constitution and statutory authority. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for an arrest, traffic stop, or investigative detention.
- B. Officers may take into account the **reported race, ethnicity, or national origin** of a specific suspect or suspects based on **credible, reliable, locally-relevant information** that links a person of a specific series of crimes in an area to a group of individuals of a particular ethnicity.
 - a. The criteria of locally-relevant require that the information linking race to crime be based on local conditions. That is, officers could not rely on widely held stereotypes or even the fact that in many areas of the country a certain race is linked to a certain crime. Officers must have information that supports the link between race and specific criminal activity in their area.

- C. Except as provided in section B above, officers shall not consider race, ethnicity, or national origin in establishing either reasonable suspicion or probable cause.
- D. In an effort to prevent inappropriate perceptions of biased law enforcement, members of the NMT Campus Police Department shall utilize the following strategies when conducting pedestrian and vehicle stops:
1. Be courteous, polite, and professional.
 2. Introduce him/herself, providing name and agency name, and explain to the citizen the reason for the stop as soon as practical, unless providing this information will compromise the safety of officers or other persons. In vehicle stops, provide this information before asking the driver for his/her license and registration.
 3. The following dialogue will be utilized by officers of this agency to minimize conflict during all stops:

Officer Greeting: Good morning, afternoon, or evening.

Officer ID: I am Officer _____ of the NMT Campus Police Department.

Ask for items required: May I please see your driver's license, registration, and proof of motor vehicle insurance?

Reasoning: I stopped you because... _____.

Listen politely and give the accused the opportunity to tell their story.

Complete paperwork and advise driver or pedestrian as to what action is being taken and what, if anything, the person must do as a result.

Closing: Please drive safely or thank you for your cooperation.

Make sure the driver is able to merge safely back into traffic.

4. Appropriate enforcement action should always be completed and documented, generally in the form of a warning, citation, field interrogation card or an arrest. Officers are to ensure that the names of persons stopped and detained, even for a warning, are called into the Communication Center for inclusion in the dispatch log.
5. Ensure that the length of the detention is no longer than necessary to take appropriate action for the known or suspected offense.
6. Answer any questions the individual may have, including explaining options for the disposition of the traffic citation, if relevant.
7. Provide his or her name and badge number when requested to do so, in writing or on a business card.
8. Officers shall provide an explanation to the person detained if it is determined that the reasonable suspicions were unfounded; e.g., after a BOLO (be on the look out) stop.
9. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited, and is a cause for disciplinary action consistent with departmental policy.
10. All officers shall become familiar with the approved outline for Profiling, approved by the New Mexico Law Enforcement Academy, found at www.dps.nm.org/training.

V. Process for Complaints

- A. When accused of biased law enforcement practices, the officer should first contact his/her immediate supervisor for advisement on the situation. In some instances, the supervisor will report to the scene to mediate the situation.
- B. Any person may file a complaint with the NMT Campus Police Department if they feel that they have been stopped, detained, or searched based solely on a biased profile. All complaints will be accepted from any source or manner, and must be made within 90 days from the commission of the alleged violation. Officers receiving such a complaint shall follow procedures outlined in the department's policy.
- C. Officers will complete a written report detailing the incident, the allegation(s) made, the purpose for the pedestrian or motor vehicle stop, detention, investigative activity or arrest, and submit the report to his or her supervisor.
- D. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
- E. Investigations of allegations of biased based policing shall be conducted by an assigned investigator or the Director of the NMT Campus Police Department.
- F. Dependent on the findings of each complaint, as well as the specific factors involved, corrective measures will be taken to remedy violations of this policy. Corrective measures may include but are not limited to: training, counseling, policy review, and discipline up to and including termination of employment.

VI. Supervisor Responsibilities

- A. Supervisors shall ensure that all personnel in their command are familiar with the contents of this policy and operate in compliance with it. It is the responsibility of supervisors to monitor the activities of personnel and to identify potential bias-based policing activity.
- B. An on-duty supervisor will follow the department's policy when advised that a person is making a complaints alleging profiling or other improper conduct.
- C. Supervisors will be apprised of all bias-based profile complaints involving personnel under their command.
- D. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate bias-based profiling and treatment of individuals and shall take immediate action to prevent the conduct from continuing.

VII. Review and Reporting Responsibilities

The Chief of Police will conduct an annual review or audit of issues regarding bias-based profiling and citizen encounter. The review will include but not be limited to the following:

- A. List all internal and internal complaints relating to bias-based policing and citizen encounters.
- B. Note if an employee has a pattern of complaints about possible profiling.

- C. Officers found to have engaged in biased-based law enforcement practices will receive immediate counseling, mediation, and corrective training within ninety (90) days of the review, will be subject to discipline, and may be subject to dismissal.
- D. 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.
- E. Review of dismissed complaints lacking reasonable suspicion.
- F. Review of tor-claims relating to bias-based policing.
- G. In accordance with the 2009 prohibition of profiling practices act, a copy of Bias Profiling Practices Act, a copy or 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.
- H. Explain corrective action(s) taken (disciplinary actions, new training, etc.)

VIII. Retaliation

No member of the NMT Campus Police Department, regardless of rank or stature, will retaliate against officers or civilian personnel for reporting incidents of biased-based law enforcement practices. Actions or behaviors found to constitute retaliation will be immediately addressed and the appropriate discipline action taken up to dismissal.

IX. Use of Mobile Video/Audio Recording (MVR) Equipment

The NMT Campus Police Department does not have the equipment required for mobile video/audio recording. The department does not use such equipment, but does require officers to utilize their digital voice recorders when reasonably available.

X. References

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

29-21-2 Profiling practices prohibited

A. In conducting 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, or in determining the scope, or substance or duration of the routine or spontaneous investigatory activity, a law enforcement agency or a law enforcement officer shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except in a specific suspect description related to a criminal incident or suspected criminal activity, to select a person for or subject a person to the routine or spontaneous investigatory activity.

B. In conducting an investigatory activity in connection with an investigation, a law enforcement agency or a law enforcement officer shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except 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.

29-21-3 Policies and procedures; required.

A. A law enforcement agency shall;

(1) maintain written policies and procedures designed to eliminate practices by its law enforcement officers that violate the provisions of Section 2 [29-21-2 NMSA 1978] of the Prohibition of Profiling Practices Act; and

(2) Provide training to its law enforcement officers, during orientation and at least once every two years, that the law enforcement agency determines will assist its law enforcement officers in adhering to the applicable provisions of the Prohibition or Profiling Practices Act and to the law enforcement agency's policies and procedures.

B. As part of a law enforcement agency's administrative complaint procedures, the law enforcement agency shall, at a minimum;

(1) investigate a complaint alleging its law enforcement officer violated the provisions of Section 2 of the Prohibition of Profiling Practices Act;

(2) take appropriate measures to discipline a law enforcement officer, including facilitating mediation of other restorative justice measures, then it is determined that the law enforcement officer violated the provisions of Section 2 of the Prohibition of Profiling Act;

(3) provide appropriate forms for submitting the complaint against its law enforcement officer.

XI. Complaint Form

NEW MEXICO TECH CAMPUS POLICE BIAS-BASED PROFILING COMPLAINT FORM

Name: _____

Print

Sign

Address: _____

Street

Town

State

Zip

Telephone: _____

Cell

Home

Work

Date of Incident: _____ Time: _____ Location: _____

Officers(s) involved (provide description if names not known)

Witness names(s) and contact information:

Description of Incident

Actions Taken Against Me:

- Questioned and Released
- Cited
- Arrested

I believe that I was subjected to bias-based profiling based on my: (Check All That Apply)

- Color
- Ethnicity
- Gender
- Gender Identity
- National Origin
- Physical or Mental condition
- Political Affiliation
- Physical or Mental condition
- Race/Language
- Religion
- Other

Agreement and Signatures

I understand _____ and will 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 proceedings against me.

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

Signed: _____ Date: _____
Signed Print

Person accepting the complaint on behalf of New Mexico Tech Campus Police:

Signed _____ Date: _____
Signed Print