

Torrance County Sheriff's Office

Bias Based Police Profiling Policy

1. PURPOSE:

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

2. 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 Torrance County Sheriff's Office to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or 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.

3. 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, or economic status.

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.

4. GENERAL PROCEDURES:

1. Biased-based policing / profiling by any member of this Office is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type bodily, arrests, property seizures 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.
2. 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 center 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.
3. Department personnel will provide the 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.

5. REPORTING:

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Torrance County Sheriff's Office. All complaints will be investigated regardless of whether they are oral or in writing, anonymous or made by 3rd parties. Complaints must be made within 90 days of the original incident but no later than 180~~4~~ days after the original incident.
- B. The Office will provide complaint forms and personnel will make them available to the public.

6. DUTIES OF DEPARTMENT PERSONNEL:

- A. Any member of this Office 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.

7. UNDERSHERIFF DUTIES:

- A. The Undersheriff is responsible for seeing that all personnel under their command are familiar with this policy.
- B. The Undersheriff will monitor the activities of personnel under his / her command in order to identify behaviors that may be indicative of a violation of this policy.
- C. The Undersheriff, will respond to all citizen complaints of biased-based policing / profiling and will ensure that complaints are handled in accordance with the policing. Personnel will not discourage citizens from filing complaints of biased-based policing / profiling and shall not intimidation, coerce, or threaten retaliation against citizens to discourage or prevent them from filing complaints.

8. TRAINING:

- A. The Torrance 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 Acts, Laws 2009 Chapter 177 §§ 1-4, NMSA 1978 § 29-21-1 et seq.

9. INVESTIGATION OF ALL ALLEGATIONS OF ILLEGAL PROFILING

- A. All Complaints will be investigated by the Undersheriff unless the Undersheriff is the subject of the complaint in which case the Sheriff shall designate an alternate investigator.
- B. Training will be utilized to address needs based on the outcome of the investigation.
- 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 a law enforcement officer or complainant.

10. DISCIPLINE

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

Approved and Effective this _____ day of _____, 2012

Heath White, Sheriff



Torrance County Sheriff's Department
Estancia, NM

Statement of Complaint

DATE ____ / ____ / ____ TIME _____

NAME: _____

D.O.B ____ / ____ / ____ AGE _____

Home Address: _____ City: _____

State: _____

Business Address _____ City: _____

State: _____

Home Ph: () _____ Cell Ph: () _____ Work Ph: () _____

I _____, make the following statement to _____
whom I know to be a member of the Torrance County Sheriff's Department. I make this statement
freely and voluntarily, without threats or promises of reward. I understand that by making this
statement that I am stating this to be true information and am aware that any false information that
is given may be subject to prosecution.

[] Message by Phone

STATEMENT

[] Message in Person

(Use back if additional space is needed)

Signature _____

_____ Date