

**Western New Mexico University
Campus Police Department**

Bias Based Police Profiling Policy

1. PURPOSE:

The purpose of this policy is to state the WNMU Police Department's 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 WNMU 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 WNMU 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 policy and/or profiling with the WNMU Police Department is unacceptable practices that will not be tolerated.

3. PROCEDURE:

DEFINITION

BIASED-BASED POLICYING/PROFILING

The interdiction, detention, arrest or other nonconsensual treatment of an individual because of 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 CONTACT/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:

- A. Biased-based policing/ profiling by any member of this Department is prohibited. Investigative detention, field contact, 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. Nothing in this policy prohibits officers from using the traits and characteristics of person, such as race, ethnicity, or nation 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.**
- C. 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.**

5. REPORTING:

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Western New Mexico University Campus Police Department. 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 days after the original incident.**
- B. The department will provide complaint forms and personnel will make them available to the public.**

6. 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.

7. CHIEF DUTIES:

- A. The Chief is responsible for seeing that all personnel under their command are familiar with this policy.
- B. The Chief will monitor the activities of personnel under his command in order to identify behaviors that may be indicative of a violation of this policy.
- C. The Chief will respond to all citizen complaints of biased-based policing/profiling and will ensure that complaints are handled in accordance with this policy. Personnel 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.

8. TRAINING:

- A. The Western New Mexico University Campus Police Department provides training to its law enforcement officers during orientation and every two years thereafter to assist officers in adhering to this policy and the Prohibition of Profiling Practices Act, Laws 2009 Chapter 177, §§ 1-4, NMSA 1978 § 29-21-1 et seq..

9. INVESTIGATION OF COMPLAINTS:

Allegations of illegal profiling will be handled as follows:

- A. All complaints will be investigated by the Chief.
- B. Training will be utilized to address needs based on the outcome of the investigation.

10. DISCIPLINARY PROCEDURES:

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

11. 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.

The Chief will submit a redacted copy of all complaints and 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.

Persons who express desire to file a complaint of biased-based profiling shall be given a biased-based profiling complaint form (see pages 5 and 6).

Approved and Effective this 15th day of JANUARY, 2011.



Eddie Flores, Chief

CITIZEN COMPLAINT FORM

You have the right to make a complaint against any Western New Mexico Campus Police Department Employee for improper conduct. The department will conduct any investigation and you will be notified of the outcome if you have given us a way to contact you.

Complainant Information (if known):

Name: _____

Address: _____

Phone: _____

Email: _____

Campus Police personnel involved in the alleged misconduct (if known):

Name: _____

Name: _____

Witness name(s) and contact information:

Description of incident (please provide as much detail as possible):

I understand that this statement will be submitted to the Western New Mexico University Campus Police Department 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 proceeding against me.

Signed: _____ Date: _____

Parent or Guardian if under 18 years of age: _____

Western New Mexico University Campus Police personnel accepting the complaint:

Name (printed) _____ Date: _____