

ALBUQUERQUE AVIATION POLICE
STANDARD OPERATING PROCEDURES

2-8 BIASED BASED POLICING/PROFILING

1. **POLICY:** Aviation Police policy is 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, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

2. **RESPONSIBILITY:** All sworn personnel of the Aviation Police are accountable for their actions and must comply with all actions and procedures required by this policy.

3. **SCOPE:** The Policy consists of the following:

- A. Biased-based policing / profiling by any Aviation Police Officer is prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U. S. Constitution.
- B. Aviation Police Personnel may take into account the reported race, ethnicity or national origin of a specific suspect or suspects in the same way they would use specific information regarding height, weight, hair color, ect.
- C. Aviation Police Personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender identity, sexual orientation, age, disability, or economic status.
- D. Any Aviation Police person who is aware of a violation of this policy shall immediately report the violation to a supervisor.
- E. Personnel shall not discourage citizens from filing complaints of biased-based policing / profiling and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against citizens to discourage or prevent them from filling complaints.
- F. Sergeants/Upgrades will ensure that all personnel under their command are familiar with this policy.
- G. Sergeants/Upgrades will continually monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy.

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- H. Sergeants/Upgrades when notified, will respond to all citizen complaints of biased based policing / profiling. Supervisors will not discourage citizens from filing complaints and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against citizens to discourage or prevent them from filing complaints. Sergeants/Upgrades will ensure the complaint is sent through the chain of command to the Aviation Police Chief.
- I. The Training Coordinator will ensure that all personnel receive biased based policing / profiling in their biennial training.
- J. The Aviation Police Chief will refer complaints of illegal profiling incidents to Internal Affairs for investigation. He will address any training needs and take disciplinary action as he determines to be appropriate based on the outcome.
 - (1.) A complaint alleging profiling must be made **within 90 days** of the commission of the alleged violation.
 - (2.) A complaint of profiling may be made in person, or in writing sent by mail, facsimile or electronic mail and signed by the complainant.
 - (3.) A complaint of profiling may also be made by telephone, anonymously or by a third party; provided that the Aviation Police determines the complaint to be valid before taking appropriate measures to discipline an officer. The provisions of Section 29-14-4 NMSA 1978 (Investigations of peace officers; requirements) shall be complied with.
 - (4.) The Aviation Police Chief or his designee will notify the complainant in writing of the results of the investigation.
 - (5.) A redacted copy of the complaint and disposition will be sent to the attorney general.
 - (6.) A redacted copy means the personal identifying information of a law enforcement officer or complaint shall not be disclosed.