

DATE OF ISSUE

DATE OF REVISION

SECTION NUMBER

08/30/12

NA

148.00 – 152.1

SUBJECT

PROHIBITION OF PROFILING

PURPOSE

The purpose of this policy is to ensure that all Albuquerque Public Schools Police Department personnel comply with the "Prohibition of Profiling Practices Act" set forth by New Mexico State Statute (29-21-2 N.M.S.A 2009)

POLICY

It is the policy of the Albuquerque Public Schools Police Department to respect and protect the constitutional rights of all individuals during all law enforcement contacts and/or enforcement actions and that such enforcement decisions will not be biased or discriminatory in nature.

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, routine or spontaneous investigatory activity, including an interview, detention, traffic stop, pedestrian stop, frisk or other type of bodily search or a search of personal or real property.

PROCEDURE

PERSONNEL DUTIES AND RESPONSIBILITIES

148.00

Biased-based policing/profiling of individuals by any member of the Albuquerque Public Schools Police Department is strictly prohibited.

148.1

Any contact, detention or investigation of an individual which is not based on a suspected violation of Federal Law, New Mexico State Statutes or any combination thereof, is prohibited. Investigative detentions, field contacts, any and all searches, arrests, and property seizures will only 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.

148.2

Personnel will provide the same level of service to every individual regardless of their race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or economic status.

148.3

Personnel shall not ask for, or request the immigration status of individuals except in the interest of consular notification when they have been placed under arrest for a criminal offense.

148.4

Any member of the Albuquerque Public Schools Police Department who is aware of, or witnesses a violation of this policy, or who receives a citizen complaint, shall immediately report the violation to a supervisor.

148.5

Personnel shall not discourage individuals from filing complaints of biased-based policing/profiling and shall not intimidate, coerce or threaten retaliation against individuals to discourage or prevent them from filing complaints.

SUPERVISORS DUTIES AND RESPONSIBILITIES

149.0

All supervisors shall ensure that personnel under their supervision are familiar with this policy and shall continually monitor personnel to ensure that their actions are not violating this policy.

149.1

Supervisors, who witness or receive information that any member of this department may have violated any portion of this policy, shall immediately notify the Internal Affairs Supervisor.

REPORTING / INVESTIGATION OF COMPLAINTS

150.00

Any and all complaints of biased-based policing/profiling shall be investigated by the Department's Internal Affairs Unit.

150.1

Any and all complaints of biased-based policing/profiling will be accepted from any source or manner. All complaints must be received by the Internal Affairs Unit not later than ninety (90) days following the date of the alleged incident.

150.2

The Department shall provide complaint forms and all personnel will make them available to the public.

150.3

The Chief shall submit a redacted copy of all complaints and a description of their disposition to the New Mexico Attorney General. The documents submitted shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.

DISCIPLINE

151.0

Any sustained violation of this policy will result in discipline and may include termination.

151.1

Failure to report any observed or known violation of this policy by any member of the Department will result in disciplinary action.

TRAINING

152.0

Personnel shall receive training during orientation and at least once every two years thereafter in order to assist personnel in the adherence of the Prohibition of Profiling Practices Act.

152.1

Training will also include the review of this policy, legal aspects of this act, and any updates that may arise.