



ARTESIA POLICE DEPARTMENT  
GENERAL OPERATING ORDER # PER03  
DISCRIMINATION, HARASSMENT AND BIASED BASED PROFILING

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Effective Date: 05/23/08

Updated: 04/01/13

**SUMMARY:**

This policy is taken from the Artesia, New Mexico Police Department's Standard Operating Procedures Manual. Department employees have the right to work in an environment that is free of conduct that can be considered harassing or abusive. This document describes policy and procedure having to do with the prohibition of sexual and other forms of harassment and discrimination (including profiling) in the work place. It provides a means by which harassment can be reported, including a means by which it can be reported if the offending party is in the complainant's chain of command. It also describes responsibilities within the Department and methods of policy dissemination.

**DOCUMENT TEXT:**

Artesia Police Department  
General Order # PER03

Subject: Discrimination, Harassment and Biased Based Profiling

**PER03.01 PURPOSE:**

The purposes of this order are to:

1. Promote a workplace that is healthy and discrimination free.
2. Provide as much information and education as possible to all employees regarding lawful and unlawful employment, employer and employee practices with regard to providing equal employment opportunity and compliance with all applicable laws.
3. Establish employee and applicant complaint procedures to report alleged violations.
4. Establish responsibility within the Department for reporting, investigating and correcting misconduct in the workplace by any person of the Department.

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unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

H. **SEXUAL ORIENTATION** -- the state of being heterosexual, homosexual or bisexual or having a history of such identification.

I. **THIRD PARTIES** -- Individuals who are not city employees, but who have business interactions with city employees. Such individuals include, but are not limited to citizens, vendors, contractors and volunteers.

### **PER03.03 POLICY:**

It is policy of the Artesia Police Department to take action to prevent conduct concerning discrimination, harassment and biased based profiling any person including employment applicants, current employees, persons at large and third parties based on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition from occurring. The exception is where there is a bona fide occupational qualification or where 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.

It is also the policy of the Department to deal with all such reported incidents in a fair, impartial, and speedy manner. All complaints or incidents will be investigated on a case-by-case basis. In those incidents where a violation has been shown to occur, immediate action will be taken to remedy the situation, and prevent its reoccurrence.

Every effort shall be made to preserve the confidentiality of the case including all personnel involved in the investigation.

### **PER03.04 PROCEDURE:**

#### **PER03.05 RESPONSIBILITIES:**

##### **A. Departmental Responsibilities**

1. To educate or cause to be educated employees about the types of behavior that can be considered employment discrimination, employee harassment in the workplace or biased based profiling. These include but are not limited to training in the areas of:

a. Traffic stops;

2. Document all incidents of discrimination in order to provide the fullest basis for investigation.
3. Report violations of this policy through their chosen method.

**D. Investigational Responsibilities**

1. The Professional Standards Unit is responsible for the diligent and prompt investigation of complaints made within the Department. The investigation is done in accordance with their directives.
2. Complaints made outside the Department may be investigated in accordance with the Artesia City Employee's Handbook.

**PER03.06 ASPECTS COVERED:**

**A. All aspects of the employment process, employment by the Department or the conduct of business with or within the Department are covered by this order, including:**

1. Job advertisements, recruitment, testing and hiring;
2. Compensation, scheduling, assignment or classification of employees;
3. Transfer, promotion, layoff or recall;
4. Performance evaluation, discipline and termination;
5. Language requirements or restrictions;
6. Training and apprenticeship programs;
7. Benefits, retirement plans, sick leave, disability leave or other terms of employment;
8. Police operations including but not limited to:
  - a. Traffic Contacts;
  - b. Field contacts;
  - c. Asset Seizure;
  - d. Forfeiture efforts.

3. Other prohibitions that are offensive or demeaning such as: gestures, jokes, stories or references to race, ethnic groups, religious beliefs, sexual orientation and sexual or age-related stereotypes.

E. Department employees shall not ask for or request the immigration status of persons except in the interest of consular notification when they have already been arrested for a criminal offense.

#### PER03.08 COMPLAINT PROCEDURE:

A. A complaint of discrimination, harassment or bias based profiling may be filed by any person in person or in writing, sent by mail, facsimile or electronic mail or by telephone, anonymously or by a third party;

B. A written complaint may be filed by completing the Artesia Police Department (Citizen's) Complaint Field Form parts I and II, available from the Professional Standards Unit or any supervisor.

C. A complaint may also be filed by letter addressed to the Chief of Police specifying allegations of discrimination.

D. When a complaint is submitted to the Department, the person receiving the complaint will use the information to complete a letter stating the allegations expressed in the complaint and forward it to the Chief of Police.

E. The complainant should report the following:

1. Date(s) of the event(s), action(s) or practice(s) giving rise to the complaint;
2. Description of the events, actions or practices causing the complaint;
3. Name(s) of the alleged violator(s) and witness(es);
4. Basis for coverage under this policy.

F. Complaints must be made within 90 days of the original incident but no later than 180 days after the original incident.

G. Filing an internal complaint does not prohibit any employee or applicant from later filing a complaint with an external agency provided that such complaint is filed within the time limits provided by law.

H. Complaints do not have to be filed within the chain of command of the Department. Complaints may be filed directly with the complainant's immediate



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