

**CAPITAN POLICE DEPARTMENT**  
**BIAS BASED POLICE PROFILING POLICY**

**1. PURPOSE:**

The purpose of this policy is to state the Capitan Police Department 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 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 Capitan 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 policing and/or profiling in the Department are unacceptable practices that will not be tolerated.

**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:**

- A. Biased-based policing / profiling by any member of this Department are prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type of 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 persons, such as race, ethnicity, or national 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 Capitan Police Department. All complaints will be investigated regardless of whether they are oral or in writing, anonymous or made by 3<sup>rd</sup> 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'S 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 Capitan 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 ALLEGATIONS OF ILLEGAL PROFILING:

Allegations of illegal profiling will be handled as follows:

- A. All complaints will be investigated by the Chief unless the Chief is the subject of the complaint in which case the outside agency shall designate an alternate investigator.  
B. Training will be utilized to address needs based on the outcome of the investigation.  
C. The Chief 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 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 Chief will take any action necessary to enforce this policy up to and including termination.

Approved and Effective this 3<sup>rd</sup> day of October, 2012.

  
Randy Bear  
Capitan Chief of Police





