

CARLSBAD POLICE DEPARTMENT

POLICY & PROCEDURES

Approved By: 

Number: 4-128
Subject: Bias Based Policing Policy

Effective Date: 01 Sept. 2012

PURPOSE

The purpose of this policy is to prevent and prohibit the practice of bias profiling and other discriminatory practices by any member of the Carlsbad Police Department.

POLICY

It is the policy of the Carlsbad Police Department that Officers investigate suspicious persons, incidents and other activities with reliance on reported or observed descriptions and/or reasonable suspicion and not based on biased profiling or discrimination. To that end, we will comply with the *Prohibition of Profiling Practices Act (2009)*.

DEFINITION

Bias Based Profiling by an Officer is reliance on the individual's:

race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental condition, age, economic status, or cultural group of individuals in initiating, or conducting, or determining the scope of an investigatory or enforcement activity, including, but not limited to detentions, traffic stops, pedestrian stops, interviews, frisks, and other searches, except to the extent that credible information, relevant to the location or time frame, links a person with those identifying characteristics to a reported or observed criminal incident or suspected criminal activity.

PROCEDURE

- A. Biased Based Profiling of individual's is strictly prohibited by Officers of the Carlsbad Police Department.
- B. The detention or investigation of an individual which is not based on a suspected violation of Federal Law, New Mexico State Statutes, City Ordinances or any combination thereof, is prohibited.
 - a. Asset seizure and forfeiture efforts and procedures shall be based on violations of Federal Law, New Mexico State Statutes or any combination thereof and shall not be motivated by those factors listed in the Biased Based Profiling Definition.
- C. Duties of Department Members
 - a. Any Officer who witnesses or becomes aware of any possible violation of this order, shall immediately contact and inform his/her supervisor. Any supervisor who receives such information shall notify the Chief of Police without delay.
 - b. Officers shall not discourage the filing of any complaints and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against complainants to discourage or prevent them from filing complaints.
- D. Each Supervisor will be responsible for continually monitoring and examining all members under their direct supervision to ensure that member's actions and activities adhere to this policy and to discover any indications of racial profiling or discriminatory practices.
- E. Investigation of Complaints
 - a. Complaints of Bias Profiling will be accepted from any source or manner, and must be made within 90 days from the commission of the alleged violation.
 - b. All complaints of biased based profiling or discriminatory practices will be investigated with the established Internal Investigations policy.
- F. Disciplinary Procedures
 - a. Appropriate discipline will be implemented for non-compliance with this policy.
 - b. Failure to report observed or known violations of this policy by any member of the Department will result in disciplinary action.
- G. Training
 - a. All Officers will receive training during orientation, and at least once every two years thereafter, on the harms of bias based profiling and discrimination, including legal aspects and a review of this policy.

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CONTINUED

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H. Attorney General Submittal

- a. 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.

I. Administrative Review

- a. There will be an annual administrative review of this policy and Department practices conducted by the Chief of Police, or his designee.
- b. The review will include concerns expressed by the public.