

# CALHOUN POLICE

Employees shall conduct themselves at all times, both on and off duty, in a manner that will reflect favorably upon the police department and the Town. Conduct unbecoming an employee of the police department shall include, but not necessarily limited to, that which can be demonstrated or interpreted bringing the police department into disrepute, reflecting discredit upon an employee, co-worker or supervisor, or impairing the operation or efficiency of the employee, co-worker, supervisor or police department.

## **10-11-10.2 Immoral Conduct**

Employees shall maintain a high level of moral conduct in their personal and business affairs. Employees shall not participate in any conduct contrary to justice or honesty, or involving moral turpitude which brings the police department into disrepute.

## **10-11-10.3 Observance of Laws**

Employees shall obey all laws of the United States and of any state or municipality in which they are present. Conviction of a felony shall be evidence of the violation of this rule and shall be grounds for immediate termination. Conviction of a misdemeanor, or several misdemeanors, shall be considered with regard to the effect on the employee's ability to perform his/her duties.

All employees will report to the chief of police any infraction of the law that they have been cited for. This includes all federal, state and local laws and traffic offenses. The receipt of a traffic citation may not result in disciplinary action unless the violation is the result of a hit and run accident, reckless driving, suspended license or D.W.I.

## **10-11-11 PROFILING**

The department and all members of the department will comply with the Prohibition of Profiling Practices Act as mandated by the State of New Mexico. The content of the act is as follows:

### **AN ACT**

**RELATING TO LAW ENFORCEMENT; PROHIBITING BIAS-BASED PROFILING;**

**REQUIRING POLICIES AND PROCEDURES TO ELIMINATE PROFILING;**

**PROVIDING FOR ATTORNEY GENERAL OVERSIGHT.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.—This act may be cited as the “Prohibition of Profiling Practices Act”.

Section 2. PROFILING PRACTICES PROHIBITED.—

- A. In conducting 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, or in determining the scope, substance or duration of the routine of spontaneous investigatory activity, a law enforcement agency or a law enforcement officer shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except in 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.
- B. In conducting an investigatory activity in connection with an investigation, a law enforcement agency or a law enforcement officer shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except to the extent that credible information, relevant to the locality or time frame, links a person with those identifying characteristics

Section 3. POLICIES AND PROCEDURES—REQUIRED—

**A. A law enforcement agency shall:**

- (1) maintain written policies and procedures designed to eliminate practices by its law enforcement officers that violate the provisions of Section 2 of the Prohibition of Profiling Practices Act; and
- (2) provide training to its law enforcement officers , during orientation and at least once every two years, that the law enforcement agency determines will assist its law enforcement officers in adhering to the applicable provisions of the Prohibition of Profiling Practices Act and to the law enforcement agency's policies and procedures.

**B. As part of a law enforcement agency's administrative complaint procedures, the law enforcement agency shall, at a minimum:**

- (1) Investigate a complaint alleging its law enforcement officer violated the provisions of Section 2 of the Prohibition of Profiling Practices Act;
- (2) Take appropriate measures to discipline a law enforcement officer, including facilitating mediation or other restorative justice measures, when it is determined that the law enforcement officer violated the provisions of Section 2 of the Prohibition of Profiling Practices Act;
- (3) Provide appropriate forms of submitting the complaint against its law enforcement officer;

- (4) Publish the policies and procedures designed to eliminate practices that violate provisions of Section 2 of the Prohibition of Profiling Practices Act; and
- (5) Submit a redacted copy of the complaint and the disposition to the attorney general, which shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.

C. A law enforcement agency shall establish a time frame within which a complaint alleging a violation of the provisions of the Prohibition of Profiling Practices Act may be made; provided that in no event shall the time frame be less than ninety (90) days or exceed one hundred eighty (180) days after the commission of the alleged violation of the provisions of Section 2 of the Prohibition of Profiling Practices Act. A law enforcement agency shall allow a complaint alleging a violation of the provisions of Section 2 of the Provisions of Profiling Practices Act by its law enforcement officer to be made:

- (1) In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
- (2) By telephone, anonymously or by a third party; provided that the law enforcement agency shall determine the complaint to be valid before taking appropriate measures pursuant to Paragraph (2) of Subsection B of this section and shall comply with the provisions of Section 29-14-4 NMSA 1978.

Section 4. INDEPENDENT OVERSIGHT—COMPLAINTS—CONFIDENTIALITY.—

The attorney general shall establish independent procedures for receiving, and for maintaining a record of, complaints alleging profiling by a law enforcement officer or agency. The attorney general may initiate an investigation of a complaint alleging a violation, or a systematic pattern of violations, of the provisions of Section 2 of the Prohibition of Profiling Practices Act and take necessary actions as the attorney general deems appropriate. The attorney general may publish a report or summary of the attorney general's findings regarding violations of the provisions of the provisions of the Prohibition of Profiling Practices Act; provided that personal and identifying information shall not be published or released to the public.

Section 5. EFFECTIVE DATE.—The effective date of the provisions of Sections 2 and 4 of this act is December 31, 2009.

## **10-11-12 WEAPONS**

### **10-11-12.1 Approved Weapons**

Officers, while on duty, shall carry a firearm and other weapons (e.g. baton, mace) which are approved by the Chief of Police. Officers may also carry an approved, concealed, loaded firearm when off duty if they are within their jurisdiction and might be expected to take police action. Weapons shall not be carried when off duty when it is illegal, unsafe or unfeasible. Weapons need not be worn when the officer is at home.

### **10-11-12.2 Carrying Firearms While Under the Influence of an Intoxicant or Narcotics**

Officers shall not carry firearms while under the influence of an intoxicant or narcotic.

### **10-11-12.3 Carrying Firearms in Liquor Establishments**

Officers shall not carry firearms in establishments that serve or sell liquor, except in the lawful discharge of their duties.

### **10-11-12.4 Qualification With Firearms**

Officers shall regularly qualify with approved on-duty and off-duty firearms

**Last Transaction**

Date	Time	Type	Station ID	Duration	Pages	Result
				Digital Fax		
Aug 14	10:09AM	Fax Sent	15052229006	3:10 N/A	7	OK