

CIMARRON POLICE DEPARTMENT	ISSUE DATE: 09/27/2012	NUMBER: 1-20
	GENERAL ORDERS	
SUBJECT: BIASED-BASED PROFILING		REFERENCE: Supersedes all prior conflicting Circulars and Directives.

NOTE:

This general order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS:**I. POLICY:**

Public trust and confidence in the Cimarron Police Department is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the police of the Cimarron Police Department to respond 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 disability, mental disability, 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.

II. PURPOSE:

The purpose of this general order is to establish the Cimarron Police Department's commitment to unbiased, equitable treatment of all persons in enforcement of the law and providing law enforcement services.

III. DEFINITIONS:**A. 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 disability, mental disability, serious medical condition, or economic status.

B. 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.

IV. GENERAL PROVISIONS:

- A. Biased-based policing/profiling by any member of the Cimarron Police Department is strictly prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, frisks, other types of 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 enforcements action in accordance with the Fourth Amendment of the United States 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, 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 person regardless of their race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical disability, mental disability, serious medical condition, or economic status.

V. REPORTING

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Cimarron Police Department. All complaints will be investigated regardless of whether they are oral or in writing, anonymous, or made be a third party. Complaints must be made within 90 days of the original incident.
- B. The department will provide complaint forms and personnel will make them available to the public.

VI. DUTIES OF DEPARTMENTAL PERSONNEL

- A. Any member of the department who is aware of a violation of this order, or who receives a public complainant, shall immediately report the alleged violation to the Chief of Police orally as well as submitting the information in writing.
- B. Personnel shall not discourage individuals from filing complainants and shall not intimidate, coerce, or threaten retaliation against individuals to discourage or prevent them from filing complaints.

VII. TRAINING

The Cimarron Police Department provides for training to its law enforcement officers during orientation, field training, and every two years thereafter on the harms of bias based profiling and discrimination as well as a review of this order.

VIII. INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING

Allegations of illegal profiling will be handled as follows:

- A. All complainants will be investigated by the Chief of Police unless the Chief of Police is the subject of the complaint in which case the Village Mayor shall designate an alternative investigator.
- B. Training will be utilized to address needs based on the outcome of the investigation.
- C. The Chief of Police will submit a redacted copy of all complainants and a description of their disposition to the New Mexico Attorney General. The documents submitted to the Attorney General shall disclose the nature and disposition of the complainant but shall not disclose personal identifying information of a law enforcement officer, complainant, or witnesses.

IX. DISCIPLINE

Violation of this policy prohibiting unlawful police profiling is cause for discipline. The Chief of Police will take any action necessary to enforce this policy up to and including termination.



Paul M. May
Chief of Police

