



Clovis Police Department Policies & Procedures

Policy No: **I.6**
Issued/Revised: **10/02/12**

Responsible for Review:
Administration

Title: **I**
Authority

Chapter: **6**
Racial/Bias Based
Profiling
AMENDED POLICY

Approved:


Chief of Police

- I. Purpose:** To establish a policy which reaffirms the Clovis Police Department's commitment to unbiased law enforcement and assures the public being served the department is providing services and enforcing laws in a fair, equitable, and Constitutional manner. Besides undermining legitimate law enforcement efforts, bias based policing alienates a significant percentage of the population while fostering distrust of the police department by the community.
- II. Policy:** The Clovis Police Department does not condone nor will it tolerate the use of biased based policing in any activities provided by the department. The Clovis Police Department shall provide law enforcement services and enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition.
- III. References:** New Mexico Municipal Law Enforcement Professional Standards Council, First Edition 2002, Amended June 2007.
- IV. Definitions:** **Biased Based Policing:** The interdiction, detention, arrest, or other non-consensual treatment of individuals based solely on a characteristic or status, to include, but is not limited to, race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition.
- Reasonable Suspicion:** Absent probable cause for an arrest, an officer must have a specific and articulable basis of fact for suspecting criminal activity has occurred or is about to occur. The investigative detention must be reasonable when viewed objectively in light of the circumstances and the scope and character of the detention must be reasonably related to its purpose.
- V. Procedures: Investigative Detentions & Vehicle Stops**
- Officers conducting investigative detentions, vehicle stops, arrests, and search and seizures (including asset forfeiture procedures), shall base these actions on a standard of reasonable suspicion or probable cause as required by the 4th Amendment of the U.S. Constitution, statutory authority and prevailing case law. (New Mexico Standard OPR.01.10.A)

In the event an officer has credible, reliable or locally relevant information linking a person of a specific race to a particular criminal incident or links a specific series of crimes in an area to a specific group of individuals, a person's race, ethnic background, gender, sexual orientation, religion, economic status, age and/or culture, this information may be taken into account.

The Clovis Police Department will investigate all alleged racial/bias based profiling complaints against its members. Employees found to be in violation of this policy are subject to discipline in accordance with this department's disciplinary policy II.23 Discipline Procedures.
(New Mexico Standard OPR.01.10.C)

Reporting

Anyone may lodge a complaint regarding alleged unlawful police profiling with the Clovis Police Department. Alleged complaints must be made within 90 days of the original incident.

The Clovis Police Department shall allow a complaint alleging a violation of this policy by an officer to be made by the following methods:

- In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
- By telephone, anonymously or by a third party; provided the Department determines the complaint to be valid before taking any appropriate investigatory measures pursuant to the provisions of NMSA 1978, § 29-14-4 (1991).

The Clovis Police Department will provide the complaint with a department Personal Quality Report (PQR) pursuant to department policy II.20 Performance Appraisal

Investigation of Allegations of Illegal Profiling

All complaints will be investigated pursuant to department policy II.8 Internal Affairs/Employee Misconduct.

The Clovis Police Department shall 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 the nature and disposition of the complaint, but shall not disclose personal identifying information of a law enforcement officer or complainant.

Discipline

Should there be a violation of this policy prohibiting unlawful police profiling, corrective action shall be taken in accordance with department policy II.23 Disciplinary Procedures.

Training

All sworn members of this department shall attend an approved training on the subject of racial/bias based profiling. Pending participation in such approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial/bias based and cultural differences among members of our community.
(New Mexico Standard OPR.01.10.B)

Annual Review

At the beginning of each calendar year, the Field Services Captain or his designee shall review the Department's effort to prevent racial/bias based profiling and submit an overview, including public concerns, to the Chief of Police. This overview shall not contain any identifying information regarding any specific complaint, citizen, or officer.
(New Mexico Standard OPR.01.10.D)