

## EDGEWOOD POLICE DEPARTMENT POLICY AND PROCEDURE

POLICY NO: 44

EFFECTIVE DATE: *Sept 5, 2012*

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SUBJECT: BIAS BASED POLICING PROFILING POLICY

APPROVED BY: 

### 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 Edgewood Police Department.

### POLICY

Public trust and confidence in the Edgewood Police Department is critical to effective law enforcement and is largely through fair and equitable treatment of the public. It is the policy of the Edgewood 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 the 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.

### DEFINITION

#### Biased-Based Policing/Profiling

The interdiction, detention, arrest or other nonconsensual treatment of an individual because of a character 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 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 of person or real property.

### GENERAL PROCEDURES

**Bias-based policing/profiling by any member of this Department is prohibited.** Investigative detention, field contacts, traffic stops, pedestrian stops, searches, frisks, other type 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.

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 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.

Departmental 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.

### **REPORTING**

Anyone may lodge a complaint regarding alleged unlawful police profiling with the Edgewood Police Department. All complaints will be investigated regardless of whether they are oral or in writing, anonymous or made by a 3<sup>rd</sup> party. Complaints must be made no later than 180 days after the original incident.

### **DUTIES OF DEPARTMENT PERSONNEL**

Any member of this Department who are 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.

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.

### **CHIEF'S OR DESIGNEE'S DUTIES**

The Chief or designee is responsible for seeing that all personnel under their command are familiar with this policy.

The Chief or designee will monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy.

The Chief or designee will respond to all citizen complaints of biased-based policing/profiling and will ensure that complaints are handled in accordance to 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.

### **TRAINING**

The Edgewood 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 Practices Act, Laws 2009 Chapter 177, 1-4, NMSA 1978, 29-21-1 et seq.

## **INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING**

Allegations of illegal profiling will be handled as followed:

All complaints will be investigated by the Chief or designee unless they are the subject of the complaint in which event the Mayor will designate an alternate investigator.

Training will be utilized to address needs based on the outcome of the investigation.

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

## **DISCIPLINE**

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.

**PASSED, APPROVED, and ADOPTED BY THE TOWN OF EDGEWOOD COUNCIL ON SEPTEMBER 5, 2012.**

**EDGEWOOD POLICE DEPARTMENT**

**BIAS-BASED PROFILING**

**COMPLAINT FORM**

Name: \_\_\_\_\_ Sign: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Cell #: \_\_\_\_\_ Work \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

Officer(s) involved (provide description if name not known)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness name(s) and contact information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Action taken against me: (please circle) Questioned and released; Cited; Arrested

I believe that I was subjected to bias-based profiling based on my: (circle all that apply)

- Race   Language   Ethnicity   Color   National origin   Gender  
Gender identity   Sexual orientation   Political affiliation   Religion  
Physical or mental condition   Other: \_\_\_\_\_

I believe that an officer(s) of the Edgewood Police Department relied on biased-based profiling in his/her/their dealings with me as follows: (on backside of this page or on a separate page(s), describe in detail the interaction that you had with the officer(s), beginning with what you were doing just prior to the officer(s) making contact with you and what each officer did and said to you).

Employee accepting complaint form: \_\_\_\_\_ Date: \_\_\_\_\_