



GRANTS POLICE DEPARTMENT POLICIES AND PROCEDURES

Effective Date: 09-27-2012	Title: Biased-Based Profiling	GENERAL ORDER #GO-46
<i>Amends and Supersedes #GO-46 dated 06-01-2009</i>	Approved: Steve J. Sena, Chief of Police	
CALEA:	NMSA: §29-21-1 through §29-21-4	

NOTE:

This rule or regulation 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 policy, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial setting.

The Attorney General of New Mexico reviewed our policy dated 06-01-2009, and requested we amend our policy to include the entire New Mexico State Statute §29-21-1 through §29-21-4, NMSA.

INDEX WORDS:

- Bias
- Courtesy
- Disability
- Ethnic group
- Ethnicity
- Ethics
- Gender
- Hate
- Immigration status
- Non-citation or non-arrest situations
- Pat-down
- Race
- Racial epithets
- Traffic stop
- Racial profiling
- Religious group
- Sexual orientation

V. PRACTICAL WAYS TO AVOID PROFILING

- A. The most effective way to avoid profiling is to use reasonable suspicion when stopping (detaining) people or vehicles and using probable cause when doing a search or an arrest.
- B. The legal standard of reasonable suspicion and probable cause, as required by the United States and the New Mexico Constitutions will be used for investigative detentions, traffic stops, personal property searches, and arrests.
- C. Reasonable suspicion is needed to detain someone. A simple, common sense definition of reasonable suspicion - *You have a suspicion and it is reasonable that a person is about to commit a crime, is involved in an crime, or has committed a crime.*
- D. Probable cause is needed to arrest someone. A simple common sense definition of probable cause - *A crime has been committed and this person probably did it. The key word is probably; this person more likely than no "probably" did the crime.*
- E. Officers must be able to articulate specific facts that support reasonable suspicion or probable cause or investigative detentions, traffic stops, personal searches, property searches, and arrests.
- F. Individualized reasonable suspicion is needed to stop and detain someone. Officers must be able to articulate specific facts that support reasonable suspicion when a person is detained.
- G. The facts that support reasonable suspicion to detain an individual shall be included in the criminal complaint or statement of probable cause and shall also be noted in the police report.

Doing at "Pat-Down on an Individual

- H. Reasonable suspicion that a person is armed and dangerous (a possible threat to an officer) is needed to do a pat-down of someone. Officers must be able to articulate specific facts that support reasonable suspicion that a person is armed and dangerous.
- I. The facts that support reasonable suspicion to do a pat-down of an individual shall be included in the criminal complaint or statement of probable cause and shall also be noted in the police report.

Procedures on a Traffic Stop

- J. Reasonable suspicion is required for a traffic stop.
- K. Officers on a traffic stop sometimes ask questions unrelated to the traffic stop (example - questions about drugs, etc.). Officers must articulate facts or reasons as to why additional questions unrelated to the traffic stop were asked.
- L. These facts shall be included in the criminal complaint or statement of probable cause and shall also be included in the police report.
- M. Officers on a traffic stop sometimes ask for consent to search a vehicle. Officers must articulate facts or reasons why a consent to search was requested.
- N. These facts shall be included in a criminal complaint or statement of probable cause and shall also be included in the police report.