

GUADALUPE COUNTY SHERIFF OFFICE STANDARDS AND PROCEDURES

EFFECTIVE DATE: April 1, 2011
REVISED DATE: September 29, 2012

Chapter 1
Article X

BIAS-BASED POLICING/PROFILING

GENERAL STANDARD

Public trust and confidence in the Sheriff's Office is critical to effective law enforcement and is achieved through fair and equitable treatment of the public.

This policy emphasizes the Department's commitment to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions, prohibit bias-based policing/profiling or other conduct unbecoming of an officer when an enforcement decision is based on the race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, age, economic status, physical or mental disability or serious medical condition.

This policy is not intended to prohibit the discretion of a Deputy, but rather, it is directed to the use of police discretion based on false or unreasonable perceptions, preconceptions, or biases of officers that obscure impartiality, equitable treatment of all persons and interfere with professional decision making and training.

DEFINITIONS

Bias-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 or mental disability or serious medical condition or economic status.

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.

Equal Treatment: All persons shall be treated in the same basic manner under the same or similar circumstances, irrespective of race or other distinction.

STANDARDS AND PROCEDURES

A. Bias-based policing/profiling by any member of the Guadalupe County Sheriff's Office is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type bodily searches, arrests, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion/probable cause for determining when or how to take enforcement 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, weight 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. Guadalupe County Sheriff Office 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.

D. This policy does not exclude any officer from conducting safety stops, welfare checks or consensual encounters that are done so in

the interest of public safety.

REPORTING

Anyone may lodge a complaint regarding alleged unlawful police profiling with the Guadalupe County Sheriff's Office. All oral, written, anonymous or 3rd party complaints will be investigated. Complaints must be made within 90 days of the original incident.

The Guadalupe County Sheriff's Office will provide complaint forms and all Sheriff Office personnel will make the complaint forms available to the public.

ENFORCEMENT

Deputies who witness, receive a citizens complaint or are aware of a violation of this policy shall immediately report the alleged violation to a supervisor orally and submit the information in writing.

Guadalupe County Sheriff Office personnel shall not discourage citizens from filing complaints of bias based policing/profiling and shall not intimidate, coerce or threaten retaliation against citizens to discourage or prevent them from filing complaints

SUPERVISOR DUTIES

- A. Supervisors will ensure that all personnel under their command are familiar with this policy.
- B. Supervisors will monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy.
- C. Supervisors will respond to all citizen complaints of bias-based policing/profiling and will ensure that complaints are handled in accordance with this policy. Supervisors will not discourage citizens from filing complaints of bias-based policing/profiling and shall not intimidate, coerce or threaten retaliation against citizens to discourage or prevent them from filing complaints.

TRAINING

The Guadalupe County Sheriff Office provides training to its law enforcement officers during orientation and every two years thereafter to assist deputies in adhering to this policy and Prohibition of Profiling Practices Act, Laws 2009 Chapter 177 1-4, NMSA 1978 29-21-1 et seq. In addition all officers will receive in-service training on subjects related to police ethics, cultural diversity, police-citizen interaction, standards of conduct, conducting motor vehicle stops, and related topics suitable for preventing incidents of biased policing.

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INVESTIGATION OF ALLEGATIONS OF ILLEGAL BIAS-BASED POLICING/PROFILING

Allegations of illegal bias-based policing/profiling will be handled as follows:

- A. All complaints will be investigated by a Guadalupe County Sheriff Office supervisor unless that supervisor is the subject of the complaint in which case the Sheriff shall designate an alternate investigator or request the complaint be investigated by a New Mexico State Police supervisor.
- B. Training will be utilized to address needs based on the outcome of the investigation.
- C. The Guadalupe County Sheriff 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(s).

DISCIPLINE

- A. Violation of this policy prohibiting unlawful bias-based policing/profiling is cause for discipline. The Guadalupe County Sheriff will take any action necessary to enforce this policy up to and including termination.

This procedure is to be used in conjunction with Department standards, orders, values and other relevant policies and procedures.