

# LOVINGTON POLICE DEPARTMENT

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(Rev. date:12-01-09)

## I. POLICY

Public trust and confidence in the police department is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the Lovington 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 an individual's race, color, national origin, language, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or 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 policy is to state the Lovington Police Department's commitment to unbiased, equitable treatment of all persons in enforcing 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 or mental disability or 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 POLICY

A. Biased-based policing / profiling by any member of this Department 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 or 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 officer 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.

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- C. Department 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.

## V. REPORTING

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Lovington Police Department. All complaints will be investigated regardless of whether they are oral or in writing, anonymous or made by 3<sup>rd</sup> parties. Complaints must be made within thirty days after the alleged incident, with the following exception;
- B. On directions of the Chief of Police based on the findings of a preliminary investigation.
- C. The Department will provide complaint forms and personnel will make them available to the public.

## VI. DUTIES OF DEPARTMENT PERSONNEL

- A. Any member of this Department who is 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.
- B. 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.

## VII. SUPERVISOR DUTIES

- A. Supervisors are responsible for seeing 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 biased-based policing / profiling and will ensure that complaints are handled in accordance with this policy. Supervisors, 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.

## VIII. TRAINING

- A. The Lovington 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 Profiling Practices Act, Laws 2009 Chapter 177, §§ 1-4, NMSA 1978 § 29-21-1 et seq..

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IX. INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING

Allegations of illegal profiling will be handled as follows:

- A. All complaints will be investigated by the Lieutenant unless the Lieutenant is the subject of the complaint in which case the Chief of Police shall designate an alternate 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 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.
- D. A complaint alleging a violation of the provisions of Section 2 of the Prohibition of Profiling Practices Act may be made, provided that the complaint is filed no later than 120 days after the commission of the alleged violation of the provisions of Section 2 of the Prohibition of Profiling Practices Act. The Department shall allow a complaint alleging a violation of the provisions of Section 2 of the Prohibition of Profiling Practices Act by its officer to be made as follows;
  1. In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
  2. By telephone, anonymously or by a third party; provided that the law enforcement agency shall determine the complaint to be valid before taking appropriate measures pursuant to Paragraph (2) of Subsection B of this section and shall comply with the provisions of Section 29-14-4 NMSA 1978.

X. DISCIPLINE

- A. 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.