

NMAC Bias Based Police Profiling Policy

December 2010

Purpose:

The purpose of this policy is to state the ~~Luna County Sheriff's Office~~ commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services.

Policy:

Public trust and confidence in the Sheriff's 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 Luna County Sheriff's Office to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement action and that such enforcement decisions will not be predicated solely on the basis of an individual's race, ethnicity, national origin, language, gender, 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.

Definitions:

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 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.

General procedures:

- 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 U.S. 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. Department personnel will provide the same level of police service to every citizen regardless of their race, ethnicity, color, national origin, language, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition, or economic status.

Reporting

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Luna County Sheriff's Office. All complaints will be investigated regardless of whether they are oral or in writing, anonymous or made by 3rd parties. Complaints must be made within 90 days of the original incident.
- B. The Department will provide complaint forms and personnel will make them available to the public.

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.

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 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.

Training

- A. The Luna County Sheriff's Office provides training to its law enforcement officers during orientation and every two years thereafter to assist deputies in adhering to this policy and the Prohibition of Profiling Practices Act, Law 2009 Chapter 177, 1-4, NMSA 1978, 29-21-1 et seq.

Investigation of allegations illegal profiling

Allegations of illegal profiling will be handled as follows:

- A. All complaints will be investigated by an investigator unless investigator is the subject of the complaint in which case the sheriff shall designate an alternate investigator.
- B. Training will be utilized to address based on the outcome of the investigation.
- C. The 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.

Discipline

- A. Violation of this policy prohibiting unlawful police profiling is cause for discipline. The Sheriff will take any action necessary to enforce this policy up to and including termination.

Citizen Complaint Form

You have the right to make a complaint against any Sheriff's Department Employee for improper conduct. The Department will conduct an investigation and you will be notified of the outcome if you have given us a way to contact you.

Complainant Information (if known):

Name: _____

Address: _____

Phone(s): _____

E-mail(s): _____

Sheriff Department personnel involved in the alleged misconduct (if known):

Name: _____

Name: _____

Description of incident (please provide as much detail as possible):

I understand that this statement will be submitted to the Luna County Sheriff's Department and will serve as a basis for an internal investigation. I declare and affirm that the facts contained in this statement are complete, accurate and true to the best of my knowledge and belief. Furthermore, I agree to fully cooperate with any investigation and agree to appear at any civil or criminal proceedings, if necessary. I also understand that if I attest to any intentional false statement it may be cause for criminal and/or civil proceeding against me.

Signed: _____ Date: _____

Parent or Guardian if under 18 years of age: _____

Sheriff's Department personnel accepting the complaint:

Name (printed) _____ Date: _____