

MOUNTAINAIR POLICE DEPARTMENT
BIAS BASED POLICE PROFILING POLICY

1. **PURPOSE:**

The purpose of this policy is to state the Mountainair Police Department's commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services. The intent of this directive is to prevent and prohibit bias profiling and other discriminatory practices by any member of the Mountainair Police Department.

2. **POLICY:**

Mountainair Police Department strives to gain the public's trust and confidence to provide effective law enforcement services through fair and equitable treatment of the public. The Mountainair Police Department's policy is to respect and protect the constitutional rights of all individuals while performing its law enforcement and other police functions. During law enforcement contacts and/or enforcement actions, this Department's decisions or actions will not be predicated solely on the basis of a person'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.

To this end, the Mountainair Police Department will comply with the *Prohibition of Profiling Act (2009)*. Biased-based policing and/or profiling by members of this Department are unacceptable practices which will not be tolerated.

3. **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 CONTACT / ENFORCEMENT ACTIONS**

Includes, but is not limited to, any 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 search of personal or real property.

4. **GENERAL PROCEDURES:**

A. Biased-based profiling or policing practices is prohibited by any member of the Mountainair Police Department. The standard of reasonable suspicion or

probable cause will be the basis of field contacts, investigative detentions, traffic stops, pedestrian stops, searches, frisks, other types of bodily searches, arrests, property seizures and forfeiture efforts. Any determination and resulting enforcement action by members of the Mountainair Police Department will be in accordance with the Fourth Amendment of the U.S. Constitution.

- B. This policy does not prohibit officers of the Mountainair Police Department from utilizing the traits and characteristics of persons, such as race, ethnicity, or national origin in the same manner that that officers would use hair color, height, 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. Mountainair Police 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.

5. REPORTING OF COMPLAINTS:

- A. Complaints of alleged unlawful police profiling may be filed by anyone with the Mountainair Police Department. All complaints of alleged misconduct will be investigated regardless of whether they are oral or in writing, anonymous or made by third parties. Complaints must be made within ninety (90) days of the original incident but no later than one hundred eighty (180) days after the original incident.
- B. The Mountainair Police Department will provide complaint forms and personnel will make them available to the public.

6. DUTIES OF DEPARTMENT PERSONNEL:

- A. Any member of the Mountainair Police Department who becomes aware of a violation of this directive, or who receives a complaint from a citizen, will immediately notify the Chief of the Mountainair Police Department about the alleged violation orally and submit the details of the allegation in writing.
- B. Mountainair Police Department 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 lodging complaints.

7. CHIEF OF POLICE DUTIES:

- A. The Chief of Police is responsible for ensuring all personnel under their command are familiar with this policy.

- B. The Chief of Police will monitor the activities of personnel under his command in order to identify behaviors and conduct that may be indicative of a violation of this policy.
- C. The Chief of Police will respond to and address all citizen complaints of biased-based policing/profiling and will ensure that complaints are handled in accordance with 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.

8. TRAINING:

- A. The Mountainair 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 Act, Laws 2009 Chapter 177, Sections 1-4, NMSA 1978 Section 29-21-1 et seq.*

9. INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING

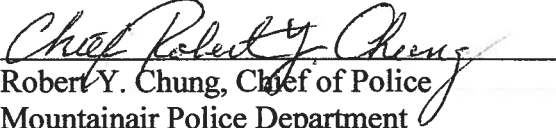
Allegations of illegal profiling will be handled as follows:

- A. All complaints will be investigated by the Chief of Police. If the Chief of Police is the subject of the complaint, the Mayor of Mountainair will designate an alternate investigator.
- B. The Chief of Police will utilize training to address the 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.

10. DISCIPLINE:

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

Approved and Effective this 4th day of September, 2012.


Robert Y. Chung, Chief of Police
Mountainair Police Department

MOUNTAINAIR POLICE DEPARTMENT
CITIZEN COMPLAINT FORM

You have the right to make a complaint against any Mountainair Police Department employee for improper conduct. The Department will conduct an investigation and you will be notified of the outcome if you provide a way to contact you.

Complainant Information (if known):

Name: _____

Address: _____

Phone(s): _____

E-mail(s): _____

Mountainair Police Department personnel involved in 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 Mountainair Police 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 proceedings against me.

Signed: _____ Date: _____

Name of Parent or Guardian if under 18 years of age: _____

Mountainair Police Department personnel accepting the complaint:

Name (printed): _____ Date: _____