

**New Mexico Attorney General's Office
Bias Based Police Profiling Policy**

PURPOSE:

The purpose of this policy is to state the New Mexico Attorney General's Office (NMAGO) commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services.

POLICY:

Public trust and confidence in the NMAGO is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the NMAGO to respect and protect the constitutional rights of all individual's during law enforcement contacts and or enforcement actions and that such enforcement decisions will not be predicated solely on the basis of an individuals race, ethnicity, 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, bias-based policing and or profiling in this office are unacceptable practices that will not be tolerated.

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 medial 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:

1. Bias-based policing / profiling by any member of this office are 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 who or how to take enforcement action in accordance with the Fourth Amendment of the U.S. Constitution.

2. Nothing in this policy prohibits officers from using the traits and characteristics of person, 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 activity.
3. 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.

REPORTING:

1. Anyone may lodge a complaint against an NMAGO Agent regarding alleged unlawful police profiling. 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.
2. The office will provide complaint forms and personnel will make them available to the public.

DUTIES OF AGENCY PERSONNEL:

1. Any member of the office who is aware of a violation of this section, or who receives a citizen complaint, shall immediately report the alleged violations to a supervisor orally and submit the information in writing.
2. 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:

1. Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
2. Supervisors will monitor the activities of personnel under their command in order to identify behaviors that may be indicative of violations of this policy.
3. 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:

1. The NMAGO provides training to its law enforcement officers every two years 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.

INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING:

Allegations of illegal profiling will be handled as follows:

1. All complaints will be investigated by the NMAGO Investigations Director unless that supervisor is the subject of the complaint in which case the Attorney General shall designate an alternate investigator.
2. Training will be utilized to address needs based on the outcome of the investigation.
3. The Attorney General will retain a redacted copy of all complaints and a description of the dispositions on file. The documents shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.

DISCIPLINE:

1. A violation of this policy prohibiting unlawful police profiling is cause for discipline. The Attorney General will take any action necessary to enforce this policy up to and including termination.

This policy is effective November 2012.

Gary King
New Mexico Attorney General

**New Mexico Attorney General's Office
Citizen Complaint Form**

You have the right to make a complaint against any NMAGO Agent for improper conduct. The office 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: _____
Email: _____

Attorney General 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 appropriate NMAGO supervisor 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 cause for criminal and/or civil proceeding against me.

Signed: _____ Date: _____
Parent or Guardian if under 18 years of age: _____
NM Attorney General's personnel accepting the complaint:
Name: _____ Date: _____