

New Mexico Highlands University
Police Department
Rules and Regulations

Section: General Order

Subject: Bias-Based Police Profiling Policy

Number: 1.04

Effective Date: 9/11/12

Review Date: _____

Amendment: _____

Date: _____

Rescinds: _____

Date: _____

Approved: 

Distribution: All Police / Security

Chief of Police Signature

Department personnel

Purpose:

I. **Purpose:**

This General Order is to establish New Mexico Highlands University's Police/ Security Department's commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services.

II. **Policy:**

Officers of the New Mexico Highland University Police/Security Department, when investigating suspicious persons, incidents and other activities will rely on reported or observed descriptions and/or reasonable suspicion or probable cause and not biased profiling or discrimination. Enforcement decisions will not be predicated on the basis of an individual's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, or serious medical condition. We will comply with the Prohibition of Profiling Practices Act (2009).

III. **Definitions:**

A) **Bias-Based Policing/Profiling**

The interdiction, detention, arrest or other nonconsensual treatment of an individual based on 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.

B) Law Enforcement Contract/Enforcement Action

Includes, but is not limited to, a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, frisk or other type of bodily search or a search of personal or real property.

IV. Procedures

A) Bias-based Policing/Profiling

- 1) Bias-based Policing/profiling is prohibited by officers of the New Mexico Highlands University Police/Security Department.
- 2) The detention or investigation of an individual which is not based on a suspected violation of city Ordinance, New Mexico State Statutes, Federal Law, NMHU Policies, or any combination thereof is prohibited.
- 3) Asset seizure and forfeiture efforts and procedures shall be based on violations of Federal Law, New Mexico State Statutes, City Ordinances, or any combination thereof and shall not be motivated by those factors listed in the Bias-based Profiling definition. Forfeiture efforts shall 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.
- 4) Officers shall not ask for or request the immigration status of persons except in the interest of consular notification when they have already been arrested for a criminal offense (see General Order 3.10.13 Section XI)
- 5) 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, or serious medical condition.

B) Reporting:

- 1) Anyone may lodge a complaint regarding alleged unlawful police profiling with the New Mexico Highlands Police Department. All complaints will be investigated regardless of whether they are oral or in written form, anonymous or made by third parties. Complaints must be made within 120 days of the original incident.
- 2) The New Mexico Highlands Police Department will provide complaint forms and personnel will make them available to the public.

C) Investigation:

- 1) The Chief of Police is responsible for seeing that all personnel under his command are familiar with this policy.
- 2) The Chief of Police will monitor the activities of the personnel under his command in order to identify behavior that may be a violation of this policy.
- 3) The Chief of Police will respond to all citizen complaints of bias-based policing/profiling and will ensure that complaints are handled in accordance with this policy. Personnel 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.

- 4) All complaints will be investigated by the Chief of Police or his designee unless the Chief of Police is the subject of the complaint in which case the President of New Mexico Highlands University shall designate an alternate investigator.
- 5) The Chief of Police or the alternate will submit a redacted copy of all complaints and a description of their disposition to the Office of the New Mexico Attorney General, The documents submitted to the Attorney General's Office shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of the law enforcement officer or complainant.

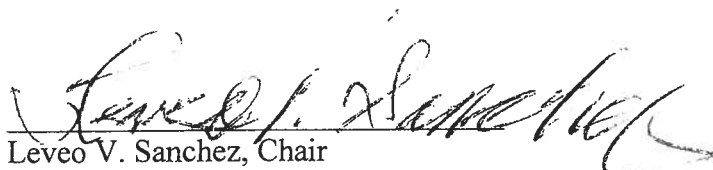
D) Discipline:

- 1) Violations of this policy prohibiting unlawful police profiling is cause for disciplinary action. The Chief of Police will consult with the Office of Human Resources before taking Disciplinary Action necessary to enforce this policy up to and including termination

E) Training:

- 1) The New Mexico Highlands University Police/Security 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.

Approved and Effective this 10th day September, 2012.


Leveo V. Sanchez, Chair
New Mexico Highlands University

New Mexico Highlands University Police Department
Bias-Based Profiling
Complaint Form

Name: _____
Print Sign

Address: _____
Street City State Zip

Telephone: _____
Cell Home Work

Date of incident: _____ Time: _____ Location: _____

Officer(s) involved (provide description if names not known):

Witness name(s) and contact information:

Action taken against me:

- Questioned and released
- Cited
- Arrested

I believe that I was subjected to bias-based profiling based on my (check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Race/Language | <input type="checkbox"/> Physical or mental condition | <input type="checkbox"/> Political Affiliation |
| <input type="checkbox"/> Gender | <input type="checkbox"/> Color | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Sexual Orientation | |
| <input type="checkbox"/> Ethnicity | <input type="checkbox"/> National Origin | |

I believe that an officer(s) of the NM Highlands University Police Department relied on bias-based profiling in his/her/their dealings with me as follows: (on the backside of this page or on a separate page(s), describe in detail the interaction that you had with the officer(s), beginning with what you were doing just prior to the officer(s) making contact with you and what each officer did and said to you).

Employee accepting complaint form

Date