

City of Ruidoso Downs  
Ruidoso Downs Police Department  
General Order No. 2010-01

Subject: Bias Based Police Profiling Policy  
Effective Date: May 24, 2010

**PURPOSE:**

The purpose of this policy is to state the Ruidoso Downs Police Department commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services.

**POLICY:**

Public trust and confidence in the Ruidoso Downs 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 Ruidoso Downs 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, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical conditions, or economic status.

To this end, bias-based policing and/or profiling in the Department 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 medical conditions, or economic status.

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### **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. Bias-based policing/profiling by any member of this Department is Prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type of 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.
  
- A. 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.
  
- B. 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 conditions, or economic status.

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**REPORTING:**

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Ruidoso Downs 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 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's 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 bias-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 citizens' 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:**

- A. The Ruidoso Downs Police Department provides training to its law enforcement officers during orientation and every two years thereafter to assist police 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:

- A. All complaints will be investigated by a Ruidoso Downs Police Department Supervisor unless that supervisor 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.

**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 recommending termination.

Approved and Passed by the Governing Body of the City of Ruidoso Downs this  
24th day of May, 2010.



Tom Armstrong  
/s/ Tom Armstrong, Mayor

Carol Virden  
/s/ Carol Virden, MMC City Clerk

## CITIZENS COMPLAINT FORM

You have the right to make a complaint against any Ruidoso Downs 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): \_\_\_\_\_

Email(s): \_\_\_\_\_

Ruidoso Downs Police 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 appropriate Ruidoso Downs Police Department supervisor and will serve as a basis for an internal investigation. I declare and affirm that the facts contained in the 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 criminal proceeding, if necessary. I also understand that if I attest to any intentional false statement it may be caused for criminal and/or civil proceeding against me.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Parent or Guardian if under 18 years of age: \_\_\_\_\_

Ruidoso Downs Police Department personnel accepting the complaint:

Name (print) \_\_\_\_\_ Date: \_\_\_\_\_