

**SAN MIGUEL COUNTY SHERIFF'S DEPARTMENT**

**BIAS BASED POLICE PROFILING POLICY**

**1. PURPOSE:**

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

**2. 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 San Miguel Sheriff's 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 predicted 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 condition, or economic status.**

**To this end, biased-based policing and/or profiling in the Department are unacceptable practices that will not be tolerated.**

**3. 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 medical condition, or economic status.**

## **6. 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.**

## **7. CHIEF DEPUTY'S DUTIES**

- A. The Chief Deputy is responsible for seeing that all personnel under their command are familiar with this policy.**
- B. The Chief Deputy will monitor the activities of personnel under his command in order to identify behaviors that may be indicative of a violation of this policy.**
- C. The Chief Deputy, will respond to 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 complaints.**

## **8. TRAINING**

- A. The San Miguel 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, Laws 2009 Chapter 177, §§ 1-4, NMSA 1978 § 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 Deputy unless the Chief Deputy is the subject of the complaint in which case the Sheriff shall designate an alternate investigator.
- B. Training will be utilized to address needs 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 complaint.

**10. 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.

Approved and Effective this 7 day of September, 2012.

  
\_\_\_\_\_  
Benjie D. Vigil, San Miguel County Sheriff

**Citizen Complaint Form**

**You have the right to make a complaint against any San Miguel County 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:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**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 San Miguel 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:** \_\_\_\_\_