

Sandoval County Sheriff's Office

Bias-Based Policing/Profiling Policy



PURPOSE:

The purpose of this policy is to prohibit biased based policing and profiling which are contrary to the Sandoval County Sheriff's Office commitment to unbiased, equitable treatment of all persons while enforcing the law and providing law enforcement services pursuant to the Prohibition of Profiling Practices Act, NMSA 1978, § 29-21-1 et seq. (2009).

POLICY:

Public trust and confidence in the Sheriff's Office is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the Sandoval County Sheriff's Office to respect and protect the constitutional rights of all individuals during routine or spontaneous investigatory activity and that such activity 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, serious medical condition or economic status.

To this end, biased-based policing and/or profiling in the Sheriff's Office are unacceptable practices that will not be condoned.

DEFINITIONS:

Biased-based Policing/Profiling

To select a person for or subject a person to any routine or spontaneous investigatory activity based on the person's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition or economic status.

Routine or Spontaneous Investigatory Activity

A self-initiated action by a Sandoval County Sheriff's Office employee, to include, but not limited to, an interview, a detention, a traffic stop, an enforcement action, a field contact, a pedestrian stop, a frisk, a request for identification, a seizure or other type of bodily search, a search of personal or real property or a decision to determine the scope, substance or duration of the routine or spontaneous investigatory activity.

PROCEDURES:

Biased-based policing/profiling by any member of the Sheriff's Office is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other property or 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.

Sheriff's Office personnel shall not consider race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition or economic status in determining to initiate any investigatory or enforcement activity.

Employees of the Sheriff's Office shall not initiate, prolong or expand the scope or duration of an investigatory or enforcement activity in order to determine or inquire about an individual's immigration status based on the individual's race, ethnicity, color, national origin or language.

Sheriff's Office 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.

Nothing in this policy prohibits deputies 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.

REPORTING:

Anyone may lodge a complaint regarding alleged unlawful police profiling with the Sandoval County Sheriff's Office. Complaints must be made **within 90 days** of the original incident.

The Sheriff's Office shall allow a complaint alleging a violation of this policy by its employee to be made:

- In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
- By telephone, anonymously or by a third party; provided that the Sheriff's Office shall determine the complaint to be valid before taking any appropriate investigatory measures pursuant to this policy and any such investigation shall comply with the provisions of NMSA 1978, § 29-14-4 (1991).

The Sheriff's Office will provide complaint forms and personnel will make them available to the public (See Attachment 1, "Citizen Complaint Form").

DUTIES OF SHERIFF'S OFFICE PERSONNEL:

Any member of the Sheriff's Office 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.

Personnel shall not discourage citizens from filing complaints of biased-based policing or profiling and shall not intimidate, coerce, or threaten retaliation against citizens to discourage or prevent them from filing complaints.

SUPERVISOR DUTIES:

Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.

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.

Supervisors will address all citizen complaints of biased-based policing/profiling and will ensure that complaints are handled in accordance with this policy. Supervisors or other personnel will not endeavor to 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.

TRAINING:

The Sandoval County Sheriff's Office will provide training to its law enforcement officers during orientation and every two (2) years thereafter to assist deputies in adhering to this policy and the Prohibition of Profiling Practices Act.

INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING:

Allegations of illegal profiling will be handled as follows:

- Complainants will be asked to complete the Sheriff's Office written complaint form. However, completion of the form is not mandatory and refusal to complete the form will not preclude an investigation of the allegation.
- All complaints will be investigated by the Sandoval County Sheriff, or his/her designee, unless the Sandoval County Sheriff is the subject of the complaint in which case the Sandoval County Sheriff shall designate an alternate investigator from outside the Sandoval County Sheriff's Office.
- A written report documenting the investigation will be accomplished.

When appropriate, training will be utilized to address needs based on the outcome of the investigation.

The Sandoval County 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 complainant.

DISCIPLINE:

Violation of this policy prohibiting unlawful policing/profiling is cause for discipline. The Sandoval County Sheriff's Office will take appropriate necessary action to enforce this policy up to and including termination.

Approved:
Douglas C. Wood, Sheriff



Date: October 12, 2012

This policy supersedes any policy previously issued to this date regarding biased based profiling.

Sandoval County Sheriff's Office

Complaint or Commendation Form

I want to file a: Complaint Commendation

Are you filing on behalf of someone else? Yes No

His/her Name: _____ Phone: (_____) _____

Are you represented by an attorney regarding this matter? Yes No

His/her Name: _____ Phone: (_____) _____

Information about you: I wish to remain anonymous.

Last: _____ First: _____ Middle Initial: _____

Day Phone: (_____) _____ Evening Phone: (_____) _____

Cell Phone: (_____) _____ E-mail: _____

Other Contact information: _____

Information about the incident: I have photographs or video/audio relevant to this incident.

Date: ___/___/___ Time: _____ AM or PM Case #: _____

Address/Location: _____

Information about the Sandoval County Sheriff's Office Employee(s) involved: (use narrative for additions)

Name: _____ Badge #: _____ Vehicle #: _____ OR

Describe the Employee: _____

Name: _____ Badge #: _____ Vehicle #: _____ OR

Describe the Employee: _____

Information about a witness: (use narrative for additions)

Name: _____ Phone: (_____) _____

Please tell us what happened (attach additional pages or documents if needed):

The Sandoval County Sheriff's Office is dedicated to providing professional and accountable law enforcement services for the citizens of Sandoval County. Your honest feedback is essential to maintaining a sheriff's office that is both trustworthy and responsive to the community. Therefore, it is critical that truthfulness be maintained when providing information to us. We value your opinion and thank you for bringing this matter to our attention.