

SOCORRO POLICE DEPARTMENT		GENERAL ORDERS	
SUBJECT: Bias Based Profiling		NUMBER: 2-39	
EFFECTIVE DATE: 9-1-09		REVIEW DATE:	
AMENDS/SUPERSEDES:		APPROVED: _____ Chief George VanWinkle	

NOTE

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

INDEX WORDS

I. POLICY

It is the policy of the Socorro Police department to actively enforce all laws, while requiring that citizens only be stopped or detained when there exists reasonable suspicion or probable cause.

II. PURPOSE

The purpose of this policy is to ensure the Socorro Police Department takes a proactive stance against Bias based Profiling. This includes conducting routine or spontaneous investigatory activity, including any interview, detention, asset seizure and forfeiture, traffic stop, pedestrian stop, frisk or other type of bodily search or seizure of personal or real property, or in determining the scope, substance or duration of the routine or spontaneous activity. The Socorro Police Department shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except in a specific suspect description related to a criminal incident or suspected criminal activity. **(CALEA 1.2.9a)**This policy is intended to provide Socorro Police Department personnel with guidelines to prevent such occurrences; and to protect officers, when they act within the scope of law and policy, from unwarranted accusations.

III. DEFINITIONS

- Bias based profiling-Any police initiated action that relies upon the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

Biased-based profiling has been known to promote allegations of violations of the constitutional rights of citizens we serve, undermine legitimate law enforcement efforts and lead to claims of civil rights violations. Additionally, bias-based profiling alienates citizens, fosters distrust of law enforcement by the community, and invites civil action and judicial intervention.

IV. PROCEDURES

A. Training

1. All Socorro Police Department officers shall attend training that emphasizes the need to respect the rights of all citizens to be free from unreasonable government intrusions or police actions, and create a positive police experience.

2. Socorro Police Department is committed to the ongoing training and education of its personnel in the topic areas of Ethics, Search & Seizure, and Cultural Awareness all of which deal with the issue of Bias Based Profiling. Officers receive bi-annual Legal Update training that includes the latest statutory requirements and case law relating to reasonable suspicion and probable cause as it pertains to vehicle stops and investigative detention.

3. All officers shall receive training during the academy and at least once every two years thereafter to ensure adherence to this policy and state Prohibition of Profiling Practice Act. **(CALEA 1.2.9b)**

B. General officer responsibilities:

1. All enforcement action will be accomplished by consistent, ongoing supervisory review to ensure that officers do not go beyond the parameters of reasonableness in conducting enforcement activities.

- Officers must have reasonable suspicion, supported by specific articulated facts, that the person contacted regarding their identification, activity, or location has been, is, or is about to commit a crime, or is currently presenting a threat to the safety of themselves or others.
- All investigative detentions, vehicle stops, arrests and searches and seizures must be based on a standard of reasonable suspicion or probable cause as required by the United States and New Mexico Constitutions, statutory authority and prevailing case law. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for an arrest, vehicle stop or investigative detention.

4. This policy does not exclude any officer from conducting safety stops, welfare checks or consensual encounters that are done in the public interest.

5. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity. No person or vehicle shall be searched in the absence of a warrant unless a legally recognized exception to the warrant requirement exists or the person voluntarily consents. It is recommended that consent searches utilize a written consent form and the written consent form be offered for signature before the search is conducted. Officers are to document why there was a refusal to sign the consent form.

6. Any complaint filed in reference to an alleged

bias-based profiling incident must be completed within 180 days of the alleged incident.

7. In conducting an investigatory activity in connection with an investigation, officers shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, except 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.

C. Supervisory Responsibility

1. Supervisors will randomly review video tapes and audio recordings pursuant to department policy being particularly alert to any patterns or practices or possible violations of Socorro Police Department policies.

2. Those reviews and any comments associated with the reviews are to be documented.

3. In the event a supervisor notices a pattern of conduct or practice which leads the supervisor to suspect an employee may be bias-based profiling, the supervisor shall take immediate and appropriate action to prevent the conduct from continuing.

4. Policy violations shall be handled in accordance with department policy.

- A copy of the completed inquiry/investigation of any bias-based profiling complaint, including a copy of the complaint and disposition, shall be submitted to the Attorney General's office. **(CALEA 1.2.9c)**

D. Administrative review

1. The Asst. Chief of Police will conduct an annual review of issues regarding bias-based profiling. The review will include, but not be limited to, the following:

- Review of documentation of bias-based related training conducted.
- Review of documentation of all internal and external complaints relating to bias-based profiling.
- Review documentation of tort claims relating to bias-based profiling.

2. The Asst. Chief of Police will compile a report on the information reviewed and will provide the report to the Chief of Police

3. The report completed by the Asst. Chief of Police should indicate whether policy, training, equipment or disciplinary issues should be addressed.

(CALEA 1.2.9d)

E. Complaints

- Any person may file a complaint with the department if they believe they have been stopped or searched based on bias-based profiling. A complaint may be filed in person, mail, telephone, fax or E-mail.
- No person shall be discouraged, intimidated, or coerced from filing a complaint, or discriminated against because they have filed a complaint.
- Complaints will be accepted within three hundred days after the alleged profiling was committed.
- An officer contacted by a person who wishes to file a complaint, shall follow the established procedure for Complaints as required by this policy.