

Vice-Chairman Joe M. Duran made a motion to approve the agenda as amended. Commissioner Andrew Chavez seconded. A roll call vote was taken by the County Clerk indicating the following:

Vice-Chairman Joe M. Duran	- Yes
Commissioner Andrew Chavez	- Yes
Commissioner Nicklos Jaramillo	- Yes
Commissioner Larry Sanchez	- Yes
Chairman Daniel Barrone	- Yes

Motion carried.

V. Department/Agency Matters-Discussion, consideration, and decisions regarding the following:

A. Taos County Sheriff's Department – Miguel Romero Jr., Sheriff
1. Approval of Chapter Eighteen Bias-Based Profiling Policy

County Attorney, Adam Baker informed the Commission that he will be presenting this along with Mr. Romero. Mr. Baker reminded the Commission that this was the subject of a work-study from last week. There are some revisions to the policy which are required under State law each County and Municipality in the State is required to have an anti-profiling policy on the books by the end of the year. This policy meets and exceeds all of the requirements of the State Statute. Mr. Baker informed the Commission that the Sheriff has endorsed the policy. Mr. Baker recommended that the Commission adopt the policy as a policy of Taos County.

Chairman Daniel Barrone informed the Commission that the only thing that he did not see in the policy and was recommended at the work-study by Vice-Chairman Duran was a Spanish version of the complaint form.

County Attorney, Adam Baker informed the Commission that staff did not have enough time due to the holiday to prepare the Spanish complaint form, however Mr. Baker recommended that the motion by the Commission reflect that.

Commissioner Andrew Chavez referred to page 4 Item 18.10.1 and asked Mr. Baker if that was in conformance with the County's Personnel Rules and Regulations. If so, is there any conflict between that discipline section and the policy.

County Attorney, Adam Baker informed Commissioner Chavez that there is no conflict between the two.

Commissioner Andrew Chavez asked if there is a date in place for this policy once the Commission approves, it will it be reviewed with the Sheriff's Department personnel so that they will know exactly what is in place within the policy.

County Attorney, Adam Baker informed Commissioner Chavez that once the Commission approves the policy he would suggest to the Sheriff that the policy be published and circulated to each member of his department including Administrative Staff so that they are aware of the provisions. Mr. Baker also recommended that it be done immediately.

Commissioner Andrew Chavez asked that some sort of correspondence be provided to the Commission showing that this information has been provided to the deputies and that they have been trained on the policy.

County Attorney, Adam Baker informed the Commission that he will ask the Sheriff to provide that information to the Commission.

Chairman Daniel Barrone informed the Sheriff that he has spoken with some of the local officers in the area and would like to make sure that the Commission is supporting him regarding this policy.

Sheriff, Miguel Romero informed the Commission that in the State of New Mexico it is mandatory that certified officers have this training.

Mr. Juan Montes informed the Commission that he is in favor of this policy.

Vice-Chairman Joe M. Duran made a motion to approve the Chapter Eighteen Bias-Based Profiling Policy and include the Spanish version of the complaint form. Commissioner Larry Sanchez seconded. A roll call vote was taken by the County Clerk indicating the following:

Vice-Chairman Joe M. Duran	- Yes
Commissioner Andrew Chavez	- Yes
Commissioner Nicklos Jaramillo	- Yes
Commissioner Larry Sanchez	- Yes
Chairman Daniel Barrone	- Yes

Motion carried.

~~B. Taos C.A.R.E.S. Health Council - Terry Hull, Coordinator~~

~~1. Approval of the 2009 Taos County Health Profile~~

~~2. Community Health Improvement Plan for Fiscal Year 2011-2014~~

~~Taos C.A.R.E.S. Coordinator, Terry Hull, informed the Commission that she is requesting the Commission endorse the Community Health Improvement Plan as well as the Health Profile. The kind of business that the Taos C.A.R.E.S. Health Council involves themselves in is typically development assessment and planning activities based on that development and assessment. The kind of development that is done is primarily in terms of collaborations and partnerships between community entities and organizations. Ms. Hull informed the Commission that Council has identified 5 different areas of priorities~~

TAOS COUNTY SHERIFF'S DEPARTMENT

CHAPTER EIGHTEEN BIAS-BASED PROFILING POLICY

PURPOSE:

- 18.1.1 The purpose of this policy is to state the Taos County Sheriff's Department's commitment to unbiased, equitable treatment of all persons in 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:

- 18.2.1 Public trust and confidence in law enforcement officers is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the Taos County Sheriff's Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions and 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 condition, or economic status.

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

DEFINITIONS:

18.3.1 **BIASED-BASED POLICING/PROFILING**

To select a person for or subject a person to any 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, or to determine the scope, substance or duration of the 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 or serious medical condition, or economic status.

18.3.2 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:

- 18.4.1** Biased-based policing/profiling by any member of this Department is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type 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.
- 18.4.2** Officers 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 law enforcement contact or action.
- 18.4.3** Members of this Department shall not initiate, prolong or expand the scope or duration of a law enforcement contact or action in order to determine or inquire about an individual's immigration status based on the individual's race, ethnicity, color, national origin or language.
- 18.4.4** 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, serious medical condition, or economic status.
- 18.4.5** 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.

REPORTING:

- 18.5.1** Anyone may lodge a complaint regarding alleged bias-based policing/profiling with the Taos County Sheriff's Department. Complaints must be made **within 90 days** of the original incident.

- 18.5.2** The Department shall allow a complaint alleging a violation of this policy by its law enforcement officer to be made:
- A. In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
 - B. By telephone, anonymously or by a third party; provided that the Department 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).
- 18.5.3** The Department will provide complaint forms and personnel will make them available to the public (See Attachment 1, "Bias-Based Profiling Complaint Form").

DUTIES OF DEPARTMENT PERSONNEL:

- 18.6.1** Any member of this Department who is aware of a violation of this section, or who receives a complaint from any member of the public, shall immediately report the alleged violation to a supervisor orally and submit the information in writing.
- 18.6.2** Personnel shall not discourage members of the public from filing complaints of biased-based policing/profiling and shall not intimidate, coerce, or threaten retaliation against members of the public to discourage or prevent them from filing complaints.

SUPERVISOR DUTIES:

- 18.7.1** Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
- 18.7.2** 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.
- 18.7.3** Supervisors will respond to all complaints of biased-based policing/profiling and will ensure that complaints are handled in accordance with this policy. Supervisors will not discourage members of the public from filing complaints of biased-based policing/profiling and shall not intimidate, coerce, or threaten retaliation against members of the public to discourage or prevent them from filing complaints.

TRAINING:

- 18.8.1** The Taos County Sheriff's Department provides 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:

- 18.9.1** Allegations of illegal profiling will be handled as follows:
- A. All complaints will be investigated by the Taos County Sheriff, or his/her designee, unless the Taos County Sheriff is the subject of the complaint in which case the Taos County Sheriff shall designate an alternate investigator from outside the Taos County Sheriff's Department.
 - B. The Sheriff shall notify the complainant in writing of the results of the investigation at the conclusion of the investigation.
 - C. Training will be utilized to address needs based on the outcome of the investigation.
 - D. 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 complainant.

DISCIPLINE:

- 18.10.1** Violation of this policy prohibiting unlawful police profiling is cause for discipline. The Taos County Sheriff will take any action necessary to enforce this policy up to and including termination.

Please indicate on what basis you believe the Department Personnel committed Bias-Based Policing/Profiling:

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Ethnicity | <input type="checkbox"/> Color | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Language | <input type="checkbox"/> Gender | <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Political Affiliation | <input type="checkbox"/> Religion | <input type="checkbox"/> Physical Disability | <input type="checkbox"/> Mental Disability |
| <input type="checkbox"/> Serious Medical Condition | <input type="checkbox"/> Economic Status | <input type="checkbox"/> Other | |

NARRATIVE:

In your own words, please describe the incident you are complaining about. Be as detailed as possible and be specific regarding why you believe the incident involved a violation of the Bias-Based Profiling Policy. Use additional pages if necessary:

WITNESSES:

Please identify any persons who have direct knowledge of the incident. Use additional pages if necessary:

Witness Name: _____ / _____
 Last First
 Mailing Address: _____ / _____ / _____ / _____
 Street City State Zip
 Telephone Number(s): _____

