

Village of Angel Fire  
Policy and Procedure Manual

[ Chapter 11 – Investigations ]

11.17 Bias Profiling and Discriminatory Practices

- A. Purpose - The purpose of this policy is to prevent and prohibit the practice of bias profiling and other discriminatory practices by any member of the Angel Fire Police Department.
- B. Discussion – It is the intent of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions.
- C. Policy – It is the policy of the Department that officers investigate suspicious persons, incidents, and other activities with reliance on reported or observed descriptions and/or reasonable suspicion and not based on biased profiling or discrimination. To that end, we will comply with the Prohibition of Profiling Practices Act (29-21-1 NMSA 1978).
- D. Definition – “Biased based profiling” by an officer is the reliance on an individual’s race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental condition, age, economic status, or cultural group of individuals in initiating, conducting, or determining the scope of an investigatory or enforcement activity, including, but not limited to detentions, traffic stops, pedestrian stops, interviews, frisks, and other searches, except to the extent that credible information, relevant to the location or time frame, links a person with those identifying characteristics to a reported or observed criminal incident or suspected criminal activity.
- E. Procedures related to biased based profiling:
  - 1. Biased based profiling of individuals is strictly prohibited by officers of the Angel Fire Police Department.
  - 2. The detention or investigation of an individual which is not based on a suspected violation of Federal Law, New Mexico State Law, Village of Angel Fire Ordinances, or any combination thereof, is prohibited.
  - 3. Asset seizure and forfeiture efforts and procedures shall be based on violations of Federal Law, New Mexico State Law, Village of Angel Fire Ordinances or any combination thereof and shall not be

motivated by those factors listed in the bias based profiling definition.

4. Officers shall not ask for or request the immigration status of persons except in the interest of consular notification when they have already been arrested for a criminal offense.

F. Training - All officers will receive training during orientation, and at least once every two years thereafter, on the harms of bias based profiling and discrimination, including legal aspects and a review of this directive.

G. Duties of Department Members:

1. Any officer who witnesses or becomes aware of any possible violation of this policy will immediately contact and inform his/her supervisor. A supervisor who received such information shall inform the Police Chief without delay.
2. Officers shall not discourage the filing of any complaints and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against complainants to discourage or prevent them from filing complaints.

H. Investigation of Complaints

1. Complaints of bias based profiling will be accepted from any source or manner and must be made within 90 days from the commission of the alleged violation.
2. All complaints of bias based profiling or discriminatory practices will be investigated in accordance with Chapters 1.22 and 1.23 of the Angel Fire Police Department Standard Operating Procedures Manual.
3. Every supervisor of the Angel Fire Police Department will be responsible for continually monitoring and examining all members under their direct supervision to ensure that member's actions and activities adhere to this policy and to discover any indications of racial profiling or discriminatory practices.

I. Attorney General Submittal

1. In accordance with the Prohibition of Profiling Practices Act (29-21-1 NMSA 1978), a copy of any bias based profiling complaints shall be submitted to the Attorney General's Office along

with the finding, but shall not disclose personal identifying information of the complainant or the officer employee.

2. Persons who express a desire to file a complaint of biased based profiling shall be given a biased based profiling complaint form.

#### J. Disciplinary Procedures

1. Appropriate discipline will be implemented for non-compliance with this policy.
2. Failure to report any observed or known violations of this policy by any member of the Department will result in disciplinary action.

#### K. Administrative Review

1. There will be an annual review of this policy and Department practices conducted by the Police Chief or his/her designee.
2. The review will include any concerns expressed by the public.

**ANGEL FIRE POLICE DEPARTMENT  
BIAS-BASED PROFILING- COMPLAINT FORM**

Name: \_\_\_\_\_ Signature

Address: \_\_\_\_\_  
City State Zip Code

Telephone: \_\_\_\_\_  
Cell Home Work

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_

Officers involved (provide description if not known): \_\_\_\_\_

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Witness name(s) and contact information: \_\_\_\_\_

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Action taken against me:

Questioned and released     Cited     Arrested     Other \_\_\_\_\_

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I believe that I was subjected to bias-based profiling based on my (check all that apply):

Race     Language     Color     National Origin     Gender     Religion

Gender Identity     Sexual Orientation     Political Affiliation

Physical or mental condition     Other: \_\_\_\_\_

I believe that an officer of the Angel Fire Police Department relied on biased-based profiling in his/her dealings with me as described on the back of this page or on a separate sheet of paper. [ Describe in detail the interaction that you had with the officer(s) beginning with what you were doing just before the officer(s) made contact with you, and what each officer did and said to you.]

Employee accepting complaint: \_\_\_\_\_ Date: \_\_\_\_\_