



WARREN H. MATHERS
MAYOR

EDDIE B. CORLEY JR.
MAYOR PRO-TEM

Village of Milan

P.O. BOX 2727 • 623 URANIUM ST.
MILAN, NEW MEXICO 87021

TRUSTEES

MARY FRANCES WALDEE
TOM ORTEGA
ELIZABETH LOPEZ

VILLAGE OF MILAN POLICE DEPARTMENT POLICY

PASSED AND APPROVED BY THE GOVERNING BODY OF
THE VILLAGE OF MILAN ON NOVEMBER 15, 1989



THOMAS "TOM" ORTEGA
MAYOR

MARCELLA SANDOVAL
VILLAGE MANAGER

Village of Milan

P.O. BOX 2727 • 623 URANIUM AVENUE
MILAN, NEW MEXICO 87021

July 15, 2010

MANUEL B. MOLINA
MAYOR PRO-TEM

TRUSTEES
VIVIAN BRUMBELOW
ELLEN I. BACA
GEORGE W. KNOTTTS

Chief Jerry Stephens
Chief of Police
Village of Milan
P. O. Box 2727
Milan, NM 87021

Dear Chief Stephens:

Allow this to serve as authorization for you to implement your amended Section on High Pursuit Driving, your new Section on Profiling and your new Section titled Limitation to the Village of Milan Police Department Policy as of this date of this letter pursuant to my authority under Section 1 of the Personnel Rules and Regulations of the Village of Milan.

Sincerely,

Marcella Sandoval
Village Manager

cc: Board of Trustees
Legal

3-7 Profiling

3-7-1. Policy.

It shall be the policy of the Village of Milan Police Department ("Department") that in conducting a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, an asset seizure and forfeiture effort, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property, or in determining the scope, substance or duration of the routine or spontaneous investigatory activity, officers of the 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, to select a person for, or subject a person to, the routine or spontaneous investigatory activity. Further, in conducting an investigatory activity in connection with an investigation, officers of the Milan 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 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 (hereinafter this policy, referred to herein as the "Policy"). This Policy shall be effective as July 15, 2010.

3-7-2 Training.

During any new officer orientation and otherwise at least once every two (2) years, the Department will provide training as the Department determines will assist its officers in adhering to the applicable provisions of the Prohibition of Profiling Practices Act (§ 29-21-1 et seq. NMSA 1978) (the "Act") and to this Policy.

3-7-3 Administrative Complaint Procedure.

- A. Any complaint received by the Department alleging a violation of the Act or this Policy by a Village police officer(s) shall be fully investigated by the Chief of Police or his designee.
- B. If a violation is determined to have occurred, the Department will take appropriate measures to discipline the officer(s) who commit(s) the violation including facilitating mediation or other restorative justice measures.
- C. The Department shall develop and provide appropriate forms for submitting such complaints. A suggested form for submitting a written complaint is attached hereto as Exhibit A.
- D. This policy shall be available for public inspection and review at the

Department's offices of 619 Uranium Avenue, Milan, New Mexico during the Department's normal business hours and a copy may be obtained for a nominal copying expense.

- E. Once completed, a redacted copy of any complaint hereunder and the be submitted to the Office of the New Mexico Attorney General. The redacted copy shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of the police officer or the complainant.
- F. All such complaints must be filed with the Department within ninety (90) days of the alleged violation of the Act and this policy. Any complaints filed after ninety (90) days may be disregarded by the Department.
- G. Complaints may be made in person or in writing. If in writing, the complaint should be submitted by mail, facsimile, or electronic mail and signed by the complainant. Complaints may also be made by telephone, anonymously or by a third party. If made by telephone, anonymously or by a third party, the Department shall first determine if the complaint is valid before taking the measures set forth in paragraphs 3-7-3B and 3-7-3E hereof.
- H. This policy shall be effective as of the date set forth above and shall remain effective subject to amendment or termination by the Department.

3-8. LIMITATION:

3-8-1 This Village of Milan Police Department Policy (3-1 through 3-8) 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 policy, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting. (Effective July 15, 2010).

**REPORT OF ALLEGED PROFILING
TO MILAN POLICE DEPARTMENT**

I hereby register a complaint with the Milan Police Department by reason of an event of profiling by a member of this Department in the performance of his/her duties. I understand that profiling consists of utilizing race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, to select a person for, or subject a person to, a routine or spontaneous investigatory activity. I understand that this complaint will be fully investigated by this Department and, if substantiated, appropriate action will be taken by the Department. With this understanding, I provide you with the following information.

1. Name, address and telephone number of person subject to profiling:

2. Date and location of Incident: _____

3. Name of Police Officer: _____

4. Description of Incident: _____

5. Names and addresses of any witnesses: _____

Signature

Name (printed)

Address

Telephone number

Date

Received by Milan Police Department:

Signature of Department Employee Receiving

Date