

TITLE: BIAS PROFILING AND DISCRIMINATORY PRACTICES

CODIFIED: 34.1
EFFECTIVE: 07/23/04
AMENDS/RESCINDS: NEW DIRECTIVE
PAGES: 3

PURPOSE

The purpose of this directive is to prevent and prohibit the practice of bias profiling and other discriminatory practices by any member of the Santa Fe City Police Department.

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.

POLICY

It is the policy of this 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* (2009).

PROCEDURE

DEFINITION

Bias 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.

34.1.01 Biased Based Profiling of individuals is strictly prohibited by Officers of the Santa Fe Police Department.

34.1.02 The detention or investigation of an individual which is not based on a suspected violation of Federal Law, New Mexico State Statutes, City Ordinances or any combination thereof, is prohibited

A. Asset seizure and forfeiture efforts and procedures shall be based on violations of Federal Law, New Mexico State Statutes, City Ordinances, or any combination thereof and shall not be motivated by those factors listed in the Bias Based Profiling definition.

B. 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 offence (see directive 76.1 for further).

34.1.03 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.

34.1.04 Duties of Department Members

A. Any Officer who witnesses or becomes aware of any possible violation of this Order, will immediately contact and inform his/her supervisor and/or the Internal Affairs Unit. A supervisor who receives such information shall notify the Internal Affairs Unit without delay.

B. Officers shall not discourage the filing of any complainants 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.

34.1.05 Investigation of Complaints

- A. Complaints of Bias Profiling will be accepted from any source or manner, and must be made within 90 days from the commission of the alleged violation.
- B. All complaints of bias based profiling or discriminatory practices will be investigated in accordance with the established Internal Affairs procedures (see Directive 26.1 for further).
- C. Each supervisor 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 directive and to discover any indications of racial profiling or discriminatory practices.

DRAFTED (awm) 03/04, Revised (gcr) 03/10

APPROVED: _____

Aric M. Wheeler,
Chief of Police

Date: 03-17-10

34.1.06 Attorney General Submittal

In accordance with the 2009 *Prohibition of Profiling Practices Act*, a copy of Bias 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.

- A. Persons who express desire to file a complaint of biased-based profiling shall be given a biased-based profiling complaint form (see page 3).

34.1.07 Disciplinary Procedures

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

34.1.08 Administrative Review

- A. There will be an annual review of this Order and Department practices conducted by the Chief of Police, or his/her designee.
- B. The review will include concerns expressed by the public.