



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 1-4

Effective: 4/26/18 Review Due: 4/26/19 Replaces: 11/29/17

1-4 BIASED BASED POLICING/PROFILING

5

1-4-1 Policy

It is the policy of the Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions and that such enforcement decisions will not be predicated on the basis of an individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

1-4-2 Definitions

A. Biased-Based Policing/Profiling

The interdiction, detention, arrest or other nonconsensual treatment of an individual because of a characteristic or status, i.e., race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

1-4-3 Rules

A. General Procedures

1. Biased-based policing and/or profiling by any member of this Department are prohibited. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures and forfeiture efforts will be based on a stand of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.
2. Officers may take into account the reported race, ethnicity or national origin of a specific suspect or suspects in the same way they would use specific information regarding height, weight, hair color, etc.
3. Department personnel will provide the same level of police service to every citizen regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

B. The Americans With Disabilities Act (ADA)

1. The Americans With Disabilities Act (ADA) requires public entities, which include the City of Albuquerque and the Police Department, to provide reasonable accommodations to individuals who appear to have a disability, including people with physical disabilities and people with mental disabilities. By its nature, a reasonable accommodation may require providing an individual with an accommodation that would not ordinarily be provided to an individual who does not have a disability. Providing a reasonable accommodation under the ADA



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- does not violate the provisions of this policy prohibiting biased-based policing and profiling.
2. In those cases, involving persons who may be affected by a behavioral health disorder or a behavioral health crisis, officers should follow the guidelines set forth in [SOP 2-19 \(Response to Behavioral Health Issues\)](#); including the recognition of behavioral health disorders (SOP 2-19-5), responses to those situations (SOP 2-19-7), including risk assessment (SOP 2-19-6), jail diversion (SOP 2-19-8), as well as the Crisis Intervention Team (CIT) (SOP 2-19-4 and SOP 2-19-9).
 3. Officers shall not use arrest as a method of getting mental health treatment for an individual. Officers may take an individual to a mental health evaluation facility if that individual appears to present a likelihood of serious bodily harm to himself or herself or others due to a mental disorder, to enable a mental health professional to determine whether the individual meets the criteria for involuntary civil commitment. An officer may arrest an individual with a mental disability when probable cause exists that such individual has committed a felony offense or a misdemeanor offense involving violence that poses a threat to others.
 4. People with mental disabilities, including people who appear to be homeless, are free to frequent public places without being questioned or searched. Officers may not initiate contact with an individual solely because the individual appears to have a mental disability, or because the person appears to be homeless. See SOP 2-71, Search and Seizure without a Warrant.
 5. Unless an officer has reasonable suspicion to believe that a person has committed, is committing or will soon commit a crime, people who appear to have mental disabilities, including those who appear to be homeless, may not be stopped, questioned, frisked or searched for the purpose of investigating whether they may have committed a crime.
 6. In those cases, involving persons who have developmental disabilities, officers should follow the guidelines set forth in [SOP 2-19-10 \(People with Developmental Disabilities\)](#)
 7. In those cases, involving persons who may be affected by a hearing disorder or is speech impaired, officers should follow the guidelines set forth in [SOP 2-18 \(Contacts with Deaf, Hard of Hearing or Speech Impaired Persons\)](#)



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C. Duties of Department Personnel

1. Any member of this Department, who is aware of a violation of this section, shall immediately report the violation to a supervisor.
2. Personnel shall not discourage citizens from filing complaints of biased-based policing / profiling and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against citizens to discourage or prevent them from filing complaints.

D. Supervisor Duties

1. Supervisors will ensure that all personnel under their command are familiar with this policy.
2. Supervisors will continually monitor the activities of personnel under their command to identify behaviors that may be indicative of a violation of this policy.
3. Supervisors, when notified, will respond to all citizen complaints of biased based policing and/or profiling. Supervisors will not discourage citizens from filing complaints of biased-based policing and/or profiling and will avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against citizens to discourage or prevent them from filing complaints. Supervisors will ensure the complaint is handled by established Department policy. [See SOP 3-41.](#)

E. Operations Review Responsibilities

The Operations Review Lieutenant will conduct an annual administrative review of the agency's practices to include citizen concerns. The report will be forwarded to the Inspections Unit and the Chief of Police.

F. Director of Training Responsibilities

The director of training will ensure that annually, all agency enforcement personnel receive training in bias-based policing / profiling issues including legal aspects.

G. Identified Illegal Profiling

1. Identified illegal profiling incidents will be handled as follows:
 - a. Internal Affairs / Civilian Police Oversight Agency will be notified to investigate the incident.
 - b. Training will be utilized to address needs based on the outcome of the investigation.
 - c. Appropriate disciplinary action will be taken.