



1-4 BIAS-BASED POLICING AND/OR PROFILING

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 2-18 Contact with Deaf, Hard of Hearing or Speech Impaired Persons
- 2-19 Response to Behavioral Health Issues
- 2-71 Search and Seizure without a Warrant
- 3-41 Complaints Involving Department Personnel

B. Form(s)

None

C. Other Resource(s)

Americans with Disabilities Act of 1990 (ADA)

D. Rescinded Special Order(s)

None

1-4-1 Purpose

The purpose of this policy is to prohibit Albuquerque Police Department (Department) personnel from engaging in bias-based policing and/or profiling, and to assist Department personnel when interacting with individuals with disabilities.

1-4-2 Policy

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

N/A 1-4-3 Definitions

A. Bias-Based Policing and/or Profiling

The interdiction, detention, arrest, or other nonconsensual treatment of an individual because of a characteristic or status including but not limited to the individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

1-4-4 General Responsibilities



4

A. Department Personnel

1. Department personnel shall not:

- a. Practice bias-based policing and/or profiling; or
- b. Discourage any party from filing complaints about Department personnel whom they believe are engaging in bias-based policing and/or profiling.
 - i. Department personnel shall avoid actions that could be interpreted as constituting intimidation, coercion, or threatened retaliation against community members to discourage or prevent them from filing complaints.

2. Department personnel shall:

- a. Provide the same level of police service to every community member regardless of their race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status; and
- b. Immediately report a violation of this Standard Operating Procedure (SOP) to a supervisor (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties).

N/A

4

B. Sworn Personnel

1. Sworn personnel may take into account the reported race, ethnicity, or national origin of a specific individual in the same way they would use specific information regarding individual's physical characteristics (e.g., height, weight, hair color, etc.)

- a. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures, and forfeiture efforts shall be based on reasonable suspicion or probable cause pursuant to the Fourth Amendment of the U.S. Constitution.

5

C. Supervisor

1. A supervisor shall:

- a. When notified, respond to all community member complaints of bias-based policing and/or profiling;
- b. Ensure the community member's complaint of bias-based policing and/or profiling is handled in accordance with SOP Complaints Involving Department Personnel (refer to SOP Complaints Involving Department Personnel for sanction classifications and additional duties);
- c. Ensure that all personnel under their supervision are familiar with this SOP; and
- d. Continually monitor the activities of personnel under their supervision to identify behaviors that may be indicative of a violation of this SOP.

N/A

6

D. Academy Division Commander



The Academy Division Commander shall ensure that all sworn personnel receive training in bias-based policing and/or profiling issues, including legal aspects on an annual basis.

6 1-4-5 **Interacting with Individuals with Disabilities**

A. General Responsibilities

1. Pursuant to the Americans with Disabilities Act (ADA), the City of Albuquerque and the Department as government entities are required to provide reasonable accommodations to individuals who appear to have a disability, including people with physical disabilities and people with mental disabilities.
 - a. As defined in the ADA, a reasonable accommodation may require Department personnel to provide an individual with an accommodation that would not ordinarily be provided to an individual who does not have a disability.
 - b. Providing a reasonable accommodation under the ADA does not violate the provisions of this SOP.

B. Individuals with a Mental Disability

- N/A** 1. Community members with mental disabilities, including community members who appear to be experiencing homelessness, are free to frequent public places without being questioned or searched.
- N/A** 2. Department personnel shall follow the requirements outlined in SOP Responses to Behavioral Health Issues when interacting with individuals who may be affected by a behavioral health disorder or who are experiencing a behavioral health crisis (refer to SOP Response to Behavioral Health Issues for sanction classifications and additional duties).
3. Sworn personnel shall not arrest someone to connect them with mental health services.
 - a. Sworn personnel may take an individual to a mental health facility if that individual appears to present a likelihood of serious bodily harm to themselves or others due to a mental disability in order for a mental health professional to determine whether the individual meets the criteria for involuntary civil commitment.
- N/A** 4. Sworn personnel shall not initiate contact with an individual solely because the individual appears to have a mental disability, or because the person appears to be experiencing homelessness (refer to SOP Search and Seizure without a Warrant for sanction classifications and additional duties).



5. Sworn personnel shall not stop, question, frisk, or search a community member who appears to have a mental disability or who is experiencing homelessness without reasonable suspicion to believe they have committed, are committing, or will soon commit a crime.
 - a. Sworn personnel may arrest an individual with a mental disability when probable cause exists that such individual has committed a felony or misdemeanor offense involving violence that poses a threat to others.

N/A C. Individuals with a Developmental Disability

Department personnel shall follow the requirements outlined in SOP Contact with Deaf, Hard of Hearing, or Speech Impaired Persons and SOP Response to Behavioral Health Issues for situations involving community members who may have a developmental disability or a hearing disorder, or who are speech impaired (refer to SOP Contact with Deaf, Hard of Hearing, or Speech Impaired Persons and SOP Response to Behavioral Health Issues for sanction classifications and additional duties).



1-4 BIASED-BASED POLICING AND/OR PROFILING

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

Related SOP(s)

A.

- 2-18 Contacts with Deaf, Hard of Hearing or Speech Impaired Persons
- 2-19 Responses to Behavioral Health Issues
- 2-71 Search and Seizure without a Warrant
- 3-421 Complaints Involving Department Policy or Personnel

Form(s)

B.

PD X Form Title None

Other Resource(s)

C.

- Americans with Disabilities Act of 1990 (ADA)
- U.S. Const. amend. iv

(Placeholder. For example, Collective Bargaining Agreement between the City of Albuquerque and the Albuquerque Police Officers' Association)

Rescinded Special Order(s)

D.

SO X Subject None

1-4-1 Purpose

The purpose of this ~~Division/Section/Unit/Program/policy~~ is to provide guidance for Albuquerque Police Department (Department) personnel from engaging in reference to on biased-based policing and/or profiling when, and assisting contact with community members, and to assist Department personnel when interacting with individuals with disabilities.

1-4-2 Policy

It is the policy of the ~~Albuquerque Police Department (Department)~~ to respect and protect the constitutional rights of all individuals during law enforcement contracts and/or enforcement actions and that such enforcement decisions are shall not be predicated upon the basis of an individual's race, color, national origin, or ancestry, citizenship status,



4

~~2. Department personnel are prohibited from practicing Biased based policing and/or profiling by any member of this Department is prohibited.~~

~~a. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures, and forfeiture efforts shall be based on a stand of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution.~~

~~2. Sworn personnel may take into account the reported race, ethnicity, or national origin of a specific suspect(s) in the same way they would use specific information regarding the individual (e.g., height, weight, hair color, etc.)~~

~~3. Department personnel shall provide the same level of police service to every citizen community member 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. Sworn Personnel

1. Sworn personnel may take into account the reported race, ethnicity, or national origin of a specific individual in the same way they would use specific information regarding individual's physical characteristics (e.g., height, weight, hair color, etc.)

a. Investigative detentions, field contacts, traffic stops, arrests, searches, property seizures, and forfeiture efforts shall be based on reasonable suspicion or probable cause pursuant to the Fourth Amendment of the U.S. Constitution.

5

C. Supervisor

~~Duties of Department Personnel~~

~~1. A~~

~~D. sSupervisor Duties shall not:~~

~~Supervisors shall not discourage community members from filing complaints of about Department personnel whom they believe are to be engaging in biased-based policing and/or profiling.~~

~~A supervisor and shall avoid actions that could be interpreted as constituting intimidation, coercion, or threatened retaliation against community members to discourage or prevent them from filing complaints.~~

~~A 1. Supervisors shall eEnsure that all personnel under their supervision are familiar with this policy.~~



~~3. 2. Supervisors shall continually monitor the activities of personnel under their supervision to identify behaviors that may be indicative of a violation of this policy.~~

~~1. Supervisors, when notified, shall respond to all community member complaints of biased based policing and/or profiling.~~ Supervisors shall:

a. When notified, respond to all community member complaints of biased-based policing and/or profiling;

b. Ensure that the community member's complaint of biased-based policing and/or profiling is handled by established Department policy consistent in accordance with SOP Complaints Involving Department Policy or Personnel (refer to SOP Complaints Involving Department Policy or Personnel for sanction classifications and additional duties);

~~c. Supervisors shall not discourage community members from filing complaints of biased based policing and/or profiling and shall avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against community members to discourage or prevent them from filing complaints.~~ Ensure that all personnel under their supervision are familiar with this SOP; and

d. Continually monitor the activities of personnel under their supervision to identify behaviors that may be indicative of a violation of this SOP.

~~When notified, respond to all community member complaints of biased based policing and/or profiling;~~

~~3. Supervisors shall ensure the complaint is handled by established Department policy consistent with SOP Complaints Involving Department Policy or Personnel (refer to SOP Complaints Involving Department Policy or Personnel for sanction classifications and additional duties).~~

D. Academy Division Commander

The Academy Division Commander ~~Director of Training Responsibilities~~

The Director of Training shall ensure that annually, all agency enforcement sworn personnel receive training in bias-based policing and/or profiling issues, including legal aspects on an annual basis.

6 1-4-5 Interacting with Individuals with Disabilities

Identified Illegal Profiling

1. Identified illegal profiling incidents shall be handled as follows:

N/A

6

N/A

6



- ~~a. Internal Affairs/Civilian Police Oversight Agency shall be notified to investigate the incident;~~
- ~~Training shall be utilized to address needs based on the outcome of the investigation; and~~
- ~~Appropriate disciplinary action shall be taken.~~

Americans with Disabilities Act

A. General Responsibilities

~~B. The Americans with Disabilities Act (ADA)~~

~~1. Pursuant to the Americans with Disabilities Act (Americans with Disabilities Act ADA), 1. The City of Albuquerque and the Albuquerque Police Department are required by the ADA as requires government public entities, which include the City of Albuquerque and the Albuquerque Police Department are required, to provide reasonable accommodations to individuals who appear to have a disability, including people with physical disabilities and people with mental disabilities.~~

~~a. As defined in the ADA By its nature, a reasonable accommodation may require Department personnel to 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 does not violate the provisions of this policy SOP that prohibits biased based policing and/or profiling.~~

~~b.~~

B. Individuals with a Mental Disability

N/A

~~1. Community members with mental disabilities, including community members who appear to be experiencing homelessness, are free to frequent public places without being questioned or searched.~~

N/A

~~Sworn Department personnel shall follow the guidelines, consistent requirements outlined in with SOP Responses to Behavioral Health Issues when interacting with individuals =~~

~~2. In those cases cases, involving persons who may be affected by a behavioral health disorder or who are experiencing a behavioral health crisis, or who may have a developmental disability (refer to SOP Responses to Behavioral Health Issues for sanction classifications and additional duties)=.~~



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 1-4

P&P Draft 10/20/2021

~~Sworn personnel should follow the guidelines, consistent with SOP Responses to Behavioral Health Issues.~~

~~=====~~

~~Sworn Personnel~~

~~=====~~

~~3. Sworn personnel shall not use arrest someone as a method of connecting them with getting mental health treatment services for an individual.~~

~~=====~~

~~a. Sworn personnel may take an individual to a mental health evaluation facility if that individual appears to present a likelihood of serious bodily harm to themselves or others due to a mental disorder disability in order for, to enable a mental health professional to determine whether the individual meets the criteria for involuntary civil commitment.~~

N/A

~~=====~~

~~1. Sworn personnel may arrest an individual with a mental disability when probable cause exists that such individual has committed a felony or misdemeanor offense involving violence that poses a threat to others.~~

~~1.=====~~

N/A

~~4. Sworn personnel shall may not initiate contact with an individual solely because the individual appears to have a mental disability, or because the person appears to be experiencing homelessness, as consistent with SOP Search and Seizure Without a Warrant (refer to SOP Search and Seizure without a Warrant for sanction classifications and additional duties).~~

~~=====~~

~~People Community members with mental disabilities, including people community members who appear to be homeless, are free to frequent public places without being questioned or searched.~~

~~=====~~

~~Sworn personnel 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, as consistent with SOP Search and Seizure Without a Warrant.~~

~~=====~~

~~=====~~

~~Sworn personnel An Officer shall not stop, question, frisk, or search a community member who appears to have a mental disability or who is experiencing homelessness, without reasonable suspicion to believe they have committed, are committing, or will soon commit a crime. Unless an officer has reasonable suspicion to believe that a person community member has committed, is committing or will soon commit a crime, people community members 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.~~

5.

~~Sworn personnel should all follow the guidelines consistent requirements outlined in with SOP Responses to Behavioral Health Issues, In for these situations cases involving persons who have developmental disabilities, sworn personnel should follow the guidelines set forth inconsistent with SOP 2-19-10 (People with Developmental Disabilities) [LINK]; Responses to behavioral Health~~

~~Sworn personnel shall follow the guidelines requirements outlined in consistent with SOP Contacts with Deaf, Hard of Hearing, or Speech Impaired Persons, for In those cases situations involving persons community members who may be affected by a hearing disorder or who is are speech impaired.~~

a. Sworn personnel may arrest an individual with a mental disability when probable cause exists that such individual has committed a felony or misdemeanor offense involving violence that poses a threat to others.

N/A C. Individuals with a Developmental Disability

~~a. Sworn Department personnel shall follow the requirements outlined in SOP Contact with Deaf, Hard of Hearing, or Speech Impaired Persons and SOP Responses to Behavioral Health Issues for situations involving community members who may have a developmental disability or, a or who may be affected by have a hearing disorder, or who are speech impaired (refer to SOP Contact with Deaf, Hard of Hearing, or Speech Impaired Persons and SOP Responses to Behavioral Health Issues for sanction classifications and additional duties), sworn personnel shall follow the guidelines set forth inconsistent with SOP 2-18 (Contacts with Deaf, Hard of Hearing or Speech Impaired Persons) [LINK].~~

□ 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. Department Ppersonnel shall not discourage citizens community members from filing complaints of biased based policing / profiling and shall avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against citizens community members to discourage or prevent them from filing complaints.~~

□ DCD Supervisor Duties



ALBUQUERQUE POLICE DEPARTMENT
GENERAL ORDERS

SOP 1-4

P&P Draft 10/20/2021

~~1. Supervisors shall ensure that all personnel under their command supervision are familiar with this policy.~~

~~2. Supervisors shall continually monitor the activities of personnel under their supervision command to identify behaviors that may be indicative of a violation of this policy.~~

~~3. Supervisors, when notified, shall respond to all citizen community member complaints of biased based policing and/or profiling.~~

~~Supervisors shall not discourage community members citizens from filing complaints of biased based policing and/or profiling and shall avoid actions that could be interpreted to constitute intimidation, coercion, or threatened retaliation against citizens community members to discourage or prevent them from filing complaints.~~

N/A

~~Supervisors shall ensure the complaint is handled by established Department policy. See consistent with SOP Complaints Involving Department Policy or Personnel (refer to SOP Complaints Involving Department Policy or Personnel for sanction classifications and additional duties).~~

~~DE. Operations Review Responsibilities~~

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

~~EF. Director of Training Responsibilities~~

~~1. The Director of Ttraining shall ensure that annually, all agency enforcement personnel receive training in bias based policing / profiling issues including legal aspects.~~

~~FG. Identified Illegal Profiling~~

~~1. Identified illegal profiling incidents shall be handled as follows:~~

~~a. Internal Affairs / Civilian Police Oversight Agency shall be notified to investigate the incident;~~

~~Training shall be utilized to address needs based on the outcome of the investigation; and~~

~~Appropriate disciplinary action shall be taken.~~