



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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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 Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities (Formerly 2-09)
- 2-19 Response to Behavioral Health Issues
- 2-71 Search and Seizure without a Warrant (Formerly 2-17)
- 3-41 Complaints Involving Department Personnel (Formerly 3-22 and 3-43)

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D. Rescinded Special Order(s)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.



B. Disability

A physical or mental impairment that substantially limits one (1) or more major life activities, including major bodily functions; a record of such an impairment; or regarded as having an impairment, including when the individual does not have an impairment that limits one (1) or more major life activities.

3 1-4-4 **General Responsibilities**

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

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;



N/A

- 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.

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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.

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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 individuals with physical disabilities and individuals 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.
- 2. When feasible, sworn personnel shall consider whether an individual's failure to comply with their command is due to a medical condition, mental impairment, physical limitation, developmental disability, language barrier, drug interaction, behavioral crisis, or other factors beyond the individual's control. In such situations, sworn personnel should consider whether specific techniques or resources would help resolve the situation without resorting to force.

B. Individuals Experiencing Homelessness and 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 Response 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).



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3. Sworn personnel shall not arrest someone solely 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 as outlined in SOP Search and Seizure without a Warrant (refer to SOP Search and Seizure without a Warrant for sanction classifications and additional duties).
 - a. This does not prohibit sworn personnel from conducting outreach or assisting individuals who have a mental disability or who are experiencing homelessness.
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 are involved in criminal activity or they are a threat to themselves or others.
6. 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 Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities 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 Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities and SOP Response to Behavioral Health Issues for sanction classifications and additional duties).



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

A. Related SOP(s)

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- 2-19 Response to Behavioral Health Issues
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B. Form(s)

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- 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);
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- ~~6.~~ 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.

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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 ~~Contact with Deaf, Hard of Hearing, or Speech Impaired Persons~~ Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities ~~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 ~~Contact with Deaf, Hard of Hearing, or Speech Impaired Persons~~ Individuals with Hearing, Speech, and/or Vision Impairments/Disabilities ~~Contact with Deaf, Hard of Hearing, or Speech Impaired Persons~~ and SOP Response to Behavioral Health Issues for sanction classifications and additional duties).