DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES

Subject: Citizen Encounters and Bias-Based Profiling		Policy Number: OPR: 27
Revision Number: 05	Effective Date: 12/02/2025	Original Issue Date: 11/09/2002

1) PURPOSE

a) The purpose of this policy is to unequivocally state that the New Mexico Department of Public Safety is prohibited in using bias-based profiling. This includes when conducting routine or spontaneous investigatory activity, including any interview, detention, asset seizure and forfeiture, traffic stop, pedestrian stop, 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. DPS 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. This policy is intended to provide DPS personnel with guidelines to prevent such occurrences; and to protect commissioned officers/agents, when they act within the dictates of law and policy, from unwarranted accusations.

2) POLICY

a) It is the policy of the Department of Public Safety to actively enforce all laws, while requiring that citizens only be stopped or detained when there exists reasonable suspicion or probable cause.

3) APPLICABILITY

a) This policy is applicable to all commissioned employees of the Department of Public Safety.

4) REFERENCES

a) CALEA Standards CHAPTER 1 – Law Enforcement Role and Authority
b) Prohibition of Profiling Practices Act

5) DEFINITIONS

a) **Bias-Based Profiling** – Any police-initiated action that relies upon the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

b) **DPS** – The New Mexico Department of Public Safety.

c) **Unconscious or Implicit Bias** – Is an unconscious attribution of certain qualities or characteristics to a certain group of individuals based on previous experiences and a person's environment. These groups may be categorized by race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

6) OPERATIONAL PROCEDURES

a) TRAINING

i) DPS training programs shall emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusions or police actions and create a positive police experience.

ii) DPS is committed to the ongoing training and education of its commissioned employees in the topic areas of Community Oriented Policing, Cultural Awareness, Verbal Communications, Ethical/Unethical Behavior, Laws of Arrest, Search and Seizure, and Probable Cause, all of which deal with the issue of bias-based profiling to some degree. Officers/Agents receive annual Legal Update training, which includes the latest statutory requirements and case law relating to reasonable suspicion and probable cause as it pertains to vehicle stops and investigative detention.

iii) All officers shall receive training during the academy and annually thereafter to ensure adherence to this policy and the state Prohibition of Profiling Practices Act.

b) ENFORCEMENT

i) All enforcement action will be accompanied by consistent, ongoing supervisory review to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities. Officers will remain cognizant of any possible unconscious or implicit bias he or she may have toward the public or an individual when conducting any type of enforcement activity.

ii) Officers/Agents must have reasonable suspicion, supported by specific articulated facts, that the person contacted regarding their identification, activity, or location has been, is, or is about to commit a crime, or is currently presenting a threat to the safety of themselves or others.

iii) All investigative detentions, vehicle stops, arrests and searches and seizures must be based on a standard of reasonable suspicion or probable cause as required by the United States and New Mexico Constitutions, statutory authority and prevailing case law. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for an arrest, vehicle stop or investigative detention.

iv) This policy does not exclude any officer from conducting safety stops, welfare checks or consensual encounters that are done so in the public interest.

v) No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity. No person or vehicle shall be searched in the absence of a warrant unless a legally recognized exception to the warrant requirement exists or the person voluntary consents. It is recommended that consent searches utilize a written consent form and that the written consent form be offered for signature before the search is conducted. Officers are to document why there was a refusal to sign the voluntary consent form.

vi) Any complaint filed in reference to an alleged bias-based profiling incident must be completed within 180 days of the alleged incident.

vii) In conducting an investigatory activity in connection with an investigation, officers 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.

c) **SUPERVISORY RESPONSIBILITY**

i) Supervisors will randomly review video tapes and audio tapes pursuant to department policy *OPR:19 Use of Recording Equipment*, being particularly alert to any patterns or practices or possible violations of DPS Policies and Procedures.

ii) These reviews and any comments associated with the reviews are to be documented on the department's recording review form.

iii) In the event a supervisor notices a pattern of conduct or practice which leads the supervisor to suspect an employee may be bias-based profiling, the supervisor shall take immediate and appropriate action to prevent the conduct from continuing.

iv) Policy violations shall be handled in accordance with department policy *ADM:04 Internal Investigations*.

v) A redacted copy of the completed inquiry/investigation of any bias-based profiling complaint, including a copy of the complaint and disposition, shall be submitted to the Attorney General's office.

d) **ADMINISTRATIVE REVIEW**

i) The Standards Bureau will conduct an annual review of issues regarding bias-based profiling and citizen encounters. The review will include, but not be limited to, the following:

(1) Review of documentation of bias-based-related training conducted at the Law Enforcement Academy and additional training and/or instruction provided in the districts throughout the state.

(2) Review of documentation of all internal and external complaints relating to bias-based profiling and citizen encounters.

(3) Review documentation of tort claims relating to bias-based profiling and citizen encounters.

(4) Review of asset forfeiture efforts.

ii) The Standards Bureau commander will compile a report on the information reviewed and will provide the report to the Office of the Chief no later than the first day of April following the year being reviewed.

iii) The report completed by the Standards Bureau commander should indicate whether policy, training, equipment or disciplinary issues should be addressed.

7) ATTACHMENTS
    a) **NONE**

8) **APPROVAL**

APPROVED BY:_____DATE: _12/02/25_
                    New Mexico State Police Chief