

## EXECUTIVE SUMMARY

### **Biased Based Policing at a Glance: An Evaluation of Compliance with the “Prohibition of Profiling Practices Act” of 2009**

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In 2009, the NAACP led the Campaign for Family Justice and formed a coalition that included the Drug Policy Alliance, *Somos Un Pueblo Unido*, the New Mexico Conference of Churches and six other organizations to draft and help pass the “Prohibition of Profiling Practices Act.” The Act prohibits biased-based policing and mandates practical policy standards that support effective policing practices. This summary highlights the results of a statewide survey of law enforcement policies that evaluated their compliance with the Act as of June 2012.

#### Evaluation of Basic Compliance

The initial review included all law enforcement agencies in the state (n = 97). Half of the agencies have a written policy on biased-based policing, but less than a quarter (22%) of all the agencies surveyed have updated policies with a clear definition of biased-based policing and listed all of the protected classes, as is required by the 2009 Act. 33% of the agencies surveyed do not have a written policy at all. And 24% refused to provide information about their policies after multiple verbal or written requests; a clear violation of the Act and potentially, the Inspection of Public Records Act.

#### Biased-Based Policing Report Card

Thirty randomly selected agencies (20 municipal and 10 county) were evaluated on how well they conformed to the standards outlined in the Act and were given grades. Only two agencies met *all* of the criteria for full compliance, **Santa Fe Police Department and Socorro County Sheriff’s Department, receiving an A grade.** The average grade on the report card was a D. Specific areas of weakness were: 1) not making documents available to the public; 2) not including all of the protected classes; 3) not publishing information about their policy; and 5) not stating a timeframe for investigating or making complaints; and 6) prohibiting anonymous or third party complaints.

#### Conclusions and Recommendations

**This study is a strict policy analysis and does not provide information about whether or not profiling actually occurs in the field.** However, good policies support good policing practices and also provide a baseline for accountability. The goal of this report is to encourage law enforcement agencies to become compliant, promote dialogue and support community-police partnerships for fair and unbiased policing.

Several recommendations are included in report. The Attorney General should initiate an investigation regarding the issue of agency compliance with the Act and provide non-compliant agencies with support. Complaint forms and policies should be standardized across agencies and training protocols for law enforcement personnel need to be strengthened. Of particular concern is expanding the scope or duration of an investigatory or enforcement activity based on the individual's race, ethnicity, color, national origin or language to determine immigration status. Finally, the New Mexico Congressional Delegation and policy makers must support the End Racial Profiling Act of 2011 (S1670 & H.R. 3618) at the national level.